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CORRECTIONS
Maine

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REPORT OF THE GOVERNOR'S TASK FORCE ON CORRECTIONS

KENNETH M. CURTIS
GOVERNOR

STEPHEN SIMONDS
CHAIRMAN

JOHN E. LAROUCHE
PROJECT DIRECTOR

SEP 22 1974

AUGUST, 1974



OFFICE OF
THE GOVERNOR

NO. 19
DATE October 2, 1973

GOVERNOR'S TASK FORCE ON CORRECTIONS

WHEREAS, the treatment and rehabilitation of criminal offenders is of continuing concern to the people of Maine and their public officials, and

WHEREAS, the upgrading of Maine's Correctional System requires continuous review of procedures, policies and programs at both local and state levels;

NOW, THEREFORE, I, KENNETH M. CURTIS, Governor of the State of Maine, hereby establish the Governor's Task Force on Corrections to review and evaluate the facilities and procedures relating to the treatment of criminal offenders, both juvenile and adult, in the State of Maine.

The Task Force shall issue a preliminary report no later than January 1, 1974 to include any recommendations for legislative action during the Special Session of the 106th Legislature.

The final report of the Task Force shall be issued no later than September 1, 1974. This report shall include, but not be limited to:


- 1) Identification of all programs and services currently employed and those that are lacking in the process of rehabilitating juvenile and adult offenders.
- 2) Consideration of a phased schedule to implement the recommendations contained in past studies such as the Comprehensive Juvenile Delinquency Study, Cooperative Extension Service UMO, and the study recently completed for the Bureau of Corrections by Batten, Batten, Hudson and Swab, Inc.
- 3) Recommendations concerning pre-trial diversion of juvenile offenders to more meaningful alternatives of treatment.

- 4) Recommendations for providing improved diagnostic and evaluation services to aid in the sentencing and ultimate rehabilitation process.
- 5) Recommendations for improving the county jail facilities and programs involved in these facilities.
- 6) Recommendations for providing a more effective and meaningful experience in the community to prevent repetition of criminal or delinquent behavior.
- 7) Recommendations for involving offenders in deciding upon their own rehabilitation program.
- 8) Recommendations for appropriate legislative and administrative action affecting corrections.

The following persons are hereby appointed to the Governor's Task Force on Corrections: Honorable Gerard P. Conley; Honorable John R. McKernan; Honorable Stephen L. Perkins, Honorable Thomas R. Lapointe; Harold C. Pachios, Esq.; Caroline Glassman, Esq.; John B. Wlodkowski, Esq.; John M. Kerry; Norma Jane Langford; Robert Lovell; Jeff Roth; Alan Caron; Kathryn A. Stevenson; Diane A. Kelly; Mrs. Mark R. Knowles; Donald L. Dahlstrom; Mrs. Helen M. Ordway; Sheriff Charles Sharpe; Carl Anderson; and Sally V. Holm.

Stephen P. Simonds is appointed chairman of the Task Force, and Attorney John E. Larouche of Milo will serve as Special Assistant to the Task Force.

All State agencies are directed to cooperate fully with the Task Force in carrying out this Executive Order.


KENNETH M. CURTIS
GOVERNOR



UNIVERSITY OF MAINE *at Portland - Gorham*

Human Services Development
Institute

August 16, 1974

246 Deering Avenue
Portland, Maine 04102
(207) 773-2981

Honorable Kenneth Curtis
Governor of the State of Maine
State Capitol
Augusta, Maine 04330

Dear Governor Curtis:

On behalf of the Governor's Task Force on Corrections, I am pleased to transmit to you our final report.

From the time we began our study, just ten months ago, we saw our task as that of producing an action plan based on sound and forward looking concepts of corrections. We have tried to link short term needs with long range goals in such a way that the document can serve as a flexible but consistent guide for years to come. Further, we adopted the premise that generally speaking reforms can take place within current budget constraints; that is, by reallocation of existing resources. We believe that these objectives have been substantially met.

To facilitate quick action, we have chosen to present a number of specific recommendations as opposed to a fewer number of general proposals. Thus, we believe that we can begin to implement a substantial portion of the items listed in the next three to four months. In any event, we recommend that implementation planning start immediately and we are pleased to note that the Department of Mental Health and Corrections has already moved to update several key institution policies recommended by the Task Force.

May I say that due to the cooperation we received from your office, the quality of membership on the Task Force and the outstanding staff direction received from Mr. John Larouche and his associates, chairing this effort has been a distinct personal pleasure. It is gratifying indeed to be able to present to you a comprehensive set of recommendations which is the product of a true citizen effort.

Our fervent hope now is that our recommendations will be translated into action. The Task Force will cease to exist as of August 31, but if there is anything that any of us can do as individuals to assist with future steps, please do not hesitate to call on us.

Sincerely,

Stephen P. Simonds, Chairman
Governor's Task Force on Corrections

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ACKNOWLEDGEMENTS

Many individuals contributed directly or indirectly to this effort. We leaned heavily on previous Maine studies such as the Batten, Batten, Hudson and Swab survey and the Kearney report. Especially noteworthy is the report of the National Advisory Commission on Criminal Justice Standards and Goals which was released just as the Task Force was getting underway; and it provided an invaluable source of guidance and documentation. In fact, many of our recommendations coincide with the National Standards. Outside experts described successful experiments in other states. LEAA state and federal officials supported our activities with funds and consultation. Corrections administrators were a great deal of help particularly after our initial communications problems were alleviated. The Task Force was also the beneficiary of important and, in our view, crucial input from inmates and ex-offenders.

Beyond this extensive input from experts, the contributions made by individual members of the Task Force were impressive. It was a true citizen effort by a group representing a healthy cross-section of opinion, and all convinced of the need for change. It was an extremely hard-working and conscientious group which made the job of chairing a distinct personal privilege and pleasure. I also want to acknowledge, with thanks, the competent staff direction, superb professional skill, and plain hard work provided by the Governor's Assistant and Staff Director for the Task Force, John Larouche. His was an outstanding performance for which I am, indeed, grateful.

Stephen P. Simonds
Chairman
Governor's Task Force
on Corrections

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STATEMENT BY THE CHAIRMAN

There are times when rational and effective reform measures in any institutional arrangement cannot be undertaken either because events have so aroused passions that hostile reaction is the only voice to be heard, or because the existing institutional arrangement is so entrenched in the public mind as to make possible only the discussion of simplistic "reform" solutions offered to assuage the collective public guilt. Such is not yet the case in our state. The existing correctional system is not so entrenched as to defy fundamental modification, and sincere public concern about the problems of crime and corrections in Maine is increasing. Such a climate, we believe, not only allows, but encourages, rational discussion and debate. The time is ripe for the setting of goals, the mapping of directions, and the initiation of executive and legislative action designed to modify fundamentally the manner in which we approach the result of criminal acts and the persons who commit such acts.

In Maine and across the country, there is a growing realization that our prison systems are simply not working to deter crime nor to prevent the habitual repetition of criminal behavior. There is legitimate concern about the problems of public safety, and the threshold for violence, as a way to solve personal, social and political problems apparently has been lowering since the end of World War II. Of equal concern is also the enormous disparity between what all the available evidence tells us we ought to be doing in our correctional systems, and our actual practice; between what can be done to prevent persons from being caught up in the criminal justice system in the first place, and what really happens concerning the prevention of crime; and between the admitted high costs and high failure rates of indiscriminately confining large numbers of offenders for long periods of time behind steel and concrete, and the admitted lower costs and higher success rates of dealing with all but the most violent of offenders at the community level.

These are the issues, and after one year's study the citizens' report which follows attempts to provide some reasonable immediate and long-range answers for the correctional system in Maine. The Governor's Task Force on Corrections is not a body of "experts" in corrections, such as that which might have been composed of present state correctional employees, and we do not profess to have all the answers to the origins and treatment of criminal offenders. We are a citizens advisory body, and most of our recommendations are based largely on common sense. We believe, however, that in the absence of either public clamor for punitive retribution or political pressure for fact-lifting "reform", there is an excellent opportunity for such a citizens body to plan and implement sensible and humane changes in

our correctional practices, to heed our common sense as well as our conscience, and to consider what is truly in the public interest as well as what the standards of a civilized society require of us.

It must be emphasized that as such the Governor's Task Force on Corrections does not have all the answers as to the causes of crime. Nor does this report and its recommendations seek to address the causes of crime. Further, we believe that changes in the Maine correctional system per se will not affect the causes of crime in this state. It follows that the success or failure of any correctional system cannot be measured directly by the rise or fall of simple "crime" statistics. Rather, the Task Force is persuaded that the causes of crime in Maine are multiple, complex, and inextricably related to social, economic, psychological, and political factors that are far beyond the reach and power of the correctional system alone to control. In the book, Crime in America, former Attorney General of the United States, Ramsey Clark, noted:

"Most crime in America is born in environments saturated in poverty and its consequences... Crime incubates in places where thousands have no jobs, and those who do have the poorest of jobs; where houses are old, dirty and dangerous; where people have no rights.

It is here that the clear connection between crime and the harvest of poverty--ignorance, disease, slums, discrimination, segregation, despair and injustice--is manifest."*

Thus, while the correctional system does not and cannot deal with the underlying forces that produce anti-social behavior, it can and does have a crucial and lasting influence upon the lives of those who exhibit such behavior. It is the purpose and intent of this report, therefore, to recommend changes aimed first, at diverting as many individuals as possible from the criminal justice system, and secondly, at ensuring that an individual's contact with the correctional system in Maine is a constructive and not a destructive experience.

Such treatment of offenders is, we believe, clearly in the self-interest of Maine citizens and taxpayers. Almost 95% of the felons presently incarcerated in Maine will be back on the streets of their home communities within five years, and these figures are closely consistent with national averages. If nothing is done in the interim many of these persons will return from prison embittered, and with many of the same problems which caused their criminal actions in the first place. This is an incredible waste of public resources and human lives when, according to the actual offender characteristics of the Maine prison population, at least 75-80% of the persons presently confined at public expense are clearly not violent and could be assisted safely, and more effectively, at minimal cost, in the community.

In the opinion of the Task Force members, society is entering another evolutionary stage in the long history of its handling of the criminal offender.

* Ramsey Clark, Crime in America, (New York: Pocketbooks, 1971), pp: 40-41.

From primitive "eye for an eye" physical punishment, we have proceeded through stages of enforced "penitence" (penitentiaries), to prescribed "reform" (reformatories), to "institutional rehabilitation" (large and secure congregate living facilities with their own self-contained rehabilitation and training programs, usually more apparent than real). At each step the distance between the offender and his community, the reality from which he came and to which he must necessarily return, grew wider. But ironically, it is the community, not the institution, that offers the only real hope for the criminal offender. Thus, if the community is not presently motivated by compassion and fairness for fellow members who have broken the social contract, as we believe it is prepared to do with sufficient information and resources, it must act out of its own enlightened self-interest.

Very simply, the only rational approach for the Maine public to these problems appears to be to divert from the formal correctional system all those persons whose problems can be handled more effectively at far less cost by alternative methods, and to provide those persons for whom the public safety demands confinement the desire and skills to achieve a greater degree of success at normal living than the degree of success they had earlier achieved in a life of crime.

It is the principle finding of the Task Force, therefore, that all available resources, including a substantial portion of those now devoted to institutional care, should be allocated to services, programs and facilities designed to help the offender prepare for and succeed in his reintegration into the community. Accordingly, we are recommending measures designed to: (a) establish programs to divert large numbers of individuals from the criminal justice system at the "early warning" stages of criminal behavior when permanent prevention of further crime is possible; (b) phase out several large congregate residential correctional facilities in Maine in favor of community-based correctional programs; (c) assure that institutional programs and policies which do remain preserve human dignity and reinforce, not destroy, those social, civic, and occupational skills needed by confined persons to cope effectively with responsibilities outside of prison; (d) provide a wider range of pre-trial and post-conviction disposition and sentencing alternatives that permit the "least drastic" disposition in each case consistent with the public safety, and that yield positive and constructive benefits to the community, the victims of crime, the taxpayer, and the offender himself; (e) discourage the offender's needless return to prison through the provision of post-release services, voluntary self-help programs, and substantially greater involvement of the total community in the individual ex-offender's reintegration program.

A final word about cost is in order. We cannot make the point strongly enough that if the substantial majority of the recommendations contained in this report are actually implemented, we believe future correctional costs to the Maine taxpayer can be expected to rise no higher than present funding levels, or even to fall eventually. This has been the pattern in other states which have undergone similar transitions from institutionally-based to largely "community-based" correctional systems, and the large majority of our recommendations, we believe, can be funded realistically from a reallocation of existing institutional resources. The 100 following recommendations of our report are, thus, closely interdependent, and the entire document must be read and considered as an integrated whole.

INTRODUCTION

There are presently five correctional institutions in Maine handling a total average inmate population for the entire state of approximately 741 convicted persons. The institutional facilities are: the Maine State Prison, at Thomaston (maximum security, adult male); the Men's Correctional Center, at South Windham (medium-maximum security, male); the Boys Training Center, at South Portland (minimum security, juvenile male, academic); and the physically combined Stevens School/Women's Correctional Center, at Hallowell (minimum security, juvenile female, academic/medium security, adult female).

The typical Maine State Prison (M.S.P.) inmate is white, male, 27 years of age, from an urban Maine community, unmarried or divorced, with a 9th grade education, serving a 1-3 year sentence for a non-violent crime against property (breaking and entering), and possessing a prior history of incarceration at the Men's Correctional Center, the Boys Training Center, or the Maine State Prison itself.

The typical Men's Correctional Center (M.C.C.) inmate is white, male, 19 years of age, from an urban Maine community, single, with a 9th grade education, and serving an average 6 month indeterminate sentence for a non-violent drug-related crime or crime against property (breaking and entering), and possessing a prior history of conviction and some incarceration at the Boys Training Center, other correctional facilities, or the Men's Correctional Center itself.

The typical Boys Training Center (B.T.C.) inmate is white, male, 15 years of age, from an urban Maine community, with an 8th grade education, and serving an average 7 month indeterminate sentence in an academic environment for a non-violent crime against property (car theft, breaking and entering), and possessing a history of prior criminal activity but no history of prior incarceration.

The typical Women's Correctional Center (W.C.C.) inmate is white, female, 19 years of age, from an urban Maine community, single, with a 10th grade education, serving an average 10 month indeterminate sentence for a non-violent drug-related crime or crime against property, and possessing no prior history of major criminal offenses.

The typical Stevens School (S.S.) inmate is white, female, 15 years of age, from an urban Maine community, with a 9th grade education, and serving an average 7 month indeterminate sentence in an academic environment for a non-violent behavioral offense such as disorderly conduct.

Although the characteristics of the Maine offender population, and the first-hand opinions of Maine correctional professionals concerning that population, will be discussed in more detail throughout the following recommendations of this report, it is sufficient to say now that Task Force research indicated that approximately 55% of those persons under sentence at Maine correctional institutions were serving time for non-violent crimes against property (breaking and entering, larceny), and that another 20% were serving time for non-violent "victimless" offenses (possession of illegal drugs, disorderly conduct, and some juvenile offenses). In addition, although standardized statistical information from some institutions was sketchy, what emerged clearly to the Task Force membership was that the Maine offender population as a whole possessed educational and occupational backgrounds from the lower socioeconomic strata of society, with below average educational achievement levels, below average family income levels, below average family stability, and a truly alarming rate of functional illiteracy and learning disabilities.

More importantly perhaps is that while the characteristics of the criminal behavior committed by the large portion of the Maine offender population was clearly "criminal" by society's standards, it was not criminal behavior posing a substantial physical threat to the public safety, and in fact in several areas of the nation such classes of offenders would be handled within highly-efficient community-based correctional programs, and would not be confined in traditional security-oriented correctional institutions at all. With almost no community-based halfway houses or other local correctional programs operating in Maine, however, the vast majority of these persons were confined over the past year in residential facilities on major institutional grounds; and on this total and largely non-violent average offender population of 741 persons, Maine spent \$7,839,450 in fiscal year 1973-74, the lion's share of this sum being allocated to simple institutional custodial and security requirements.

Very simply, we believe, together with a variety of state correctional administrators, that this is an ineffective and unnecessary misallocation of public resources.

Given these conclusions, and given the observable characteristics of the present Maine correctional inmate population, we have, therefore, opted for the establishment of a much more "community-based" correctional system than is now present in Maine, geared to preventing repeated non-violent crime at the local level, and aimed at addressing the social and economic problems of non-violent offenders and successfully reintegrating such persons into their local communities as soon as possible once they have come to the attention of the police, the courts and the present correctional system. At the same time we are recommending, for that remaining fraction of our criminal population which must remain confined, that institutional and post-institutional programs be reoriented toward providing such persons with the basic social and occupational skills necessary to make illogical a free choice on the part of former offenders to return to criminal activity as a means to make a living upon eventual release.

In compiling our recommendations toward these general ends, we have attempted to consult both all present and prior state studies of the Maine correctional system together with leading national studies covering innovative developments in corrections throughout the United States, and our recommenda-

tions are supported by reference to these studies where appropriate. The detailed rationale for each of the following 100 recommendations appears in a commentary attached to each recommendation, and the type of action (administrative or legislative) necessary for implementation of the recommendation is indicated.

For a clearer understanding of the manner in which the entirety of our proposals fit together, and for an understanding of the flow of persons through Maine's present correctional system, and the flow of persons through a modernized Maine correctional system as proposed by this report, the reader is urged periodically to consult the schematic models and fiscal information included in the Appendices to the report.

GOVERNOR'S TASK FORCE ON CORRECTIONS

PRIORITY RECOMMENDATIONS

1. WE RECOMMEND THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS BE DIRECTED TO PRESENT TO THE GOVERNOR BEFORE JANUARY 1, 1975 A DETAILED PLAN FOR THE IMPLEMENTATION OF THE BASIC ELEMENTS OF THE CORRECTIONS STUDY FOR THE STATE OF MAINE COMPLETED BY THE CONSULTING FIRM OF BATTEN, BATTEN, HUDSON AND SWAB, AND CONSISTENT WITH THE RECOMMENDATIONS OF THIS REPORT. WE RECOMMEND THAT THE PLAN CONTAIN SPECIFIC TARGET DATES FOR INTERIM AND FINAL IMPLEMENTATION OF ALL SEGMENTS OF THE STUDY DEEMED EVENTUALLY APPROPRIATE FOR APPLICATION TO MAINE, AND THAT ALL AREAS REQUIRING SPECIAL ADMINISTRATIVE OR LEGISLATIVE ACTION BE CLEARLY IDENTIFIED. (ADMINISTRATIVE)

Comment:

In May of 1972, the private consulting firm of Batten, Batten, Hudson & Swab, Inc., of Des Moines, Iowa presented to the State of Maine, at substantial cost, a three-volume Corrections Study for the Bureau of Corrections, State of Maine, outlining a broad plan for reorienting the character of Maine's correctional system, from a traditional correctional format of providing prescribed treatment for wide ranges of criminal offenders at centralized largely custodial institutions, to a statistically less costly and more successful format of operating and contracting for as many Maine correctional programs as possible in non-residential or minimum security settings at "area correctional centers", halfway houses, group homes, pre-release centers, colleges, and regional mental health clinics located near an offender's former community.

Although very recently correctional administrators have displayed an awakened interest in the basic elements of the Batten, Batten plan, frankly very little was done for many months toward the plan's eventual implementation, and the study was in serious danger of becoming simply another expensive and ignored monument to state and federal bureaucracy.

The Governor's Task Force on Corrections believes that this situation is reprehensible, and while we disagree with several specific recommendations contained within the professional corrections study completed in 1972, as indicated in the following recommendations of our own citizens' report, we believe that the Batten, Batten study is basically a workable managerial blueprint for Maine corrections and that its implementation should now receive priority attention by state correctional administrators.

2. WE RECOMMEND THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS IMMEDIATELY CONTRACT FOR EXTERNAL PROFESSIONAL SERVICES TO COMPILE COMPARISON DATA BETWEEN PRESENT PRACTICES AND POLICIES OF MAINE CORRECTIONAL INSTITUTIONS AND THE BUREAU OF CORRECTIONS, AND THE POLICIES AND PRACTICES RECOMMENDED BY THE REPORT ON CORRECTIONS OF THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS, AND THAT THE RESULTS OF THIS COMPARISON BE INTEGRATED WITH THE REPORT OF THE GOVERNOR'S TASK FORCE ON CORRECTIONS AND PRESENTED TO THE GOVERNOR AS SOON AS IS ADMINISTRATIVELY POSSIBLE, AND IN NO CASE LATER THAN MARCH 1, 1975. (ADMINISTRATIVE)

Comment:

Soon after the formation of the Governor's Task Force on Corrections in the fall of 1973, the National Advisory Commission on Criminal Justice Standards and Goals, administered under the United States Department of Justice, Law Enforcement Assistance Administration, issued its final report on national standards for correctional reform. This major national study of correctional practices, costing literally several millions of dollars to produce, is exhaustively researched and documented, and we have cited several of its standards as support for many of our detailed recommendations concerning the Maine correctional system.

We believe, the Report on Corrections of the National Advisory Commission has provided a timely and common national yardstick against which to measure the effectiveness of local correctional programs and the policies of local correctional administrators on a variety of issues ranging from physical standards for correctional facilities to inmate rights. Such a systematic comparison of Maine correctional practices and policies to national standards, we believe, is badly needed in this state, and we urge the Department of Mental Health and Corrections to undertake such a project administratively at the earliest possible opportunity, with the objective of raising all correctional policies and practices in Maine at least to the level of the minimum recommended national standards.

CHAPTER I

GOVERNOR'S TASK FORCE ON CORRECTIONS

STATEMENT OF POLICY

Subcommittee on Prevention

Recognizing the Failure of the Present Juvenile System

The Governor's Task Force on Corrections believes that many of the problems which manifest themselves in adult criminal behavior have their roots in childhood and adolescence. Much the same premise lies at the heart of Maine's juvenile justice system, which traditionally has sought to identify "children in trouble" and provide for their rehabilitation. Despite the efforts of juvenile court professionals to avoid references to guilt and punishment, the focus of that system today is corrective and punitive rather than preventative -- that is, it aims at altering deviant behavior after it has occurred rather than preventing it from occurring in the first place. (This is no less true in cases involving so-called "status offenses", except that the juvenile adjudged delinquent on such an allegation cannot be institutionalized.) However, it is clear that the juvenile justice system has had no great success in correcting delinquency in juveniles and thereby eliminating or reducing criminality in adults. Our study has identified several related factors which seem to lie behind this failure:

(1) The categories of delinquency traditionally employed for Maine's juvenile court professionals are too broad and varied to allow for effective individual diagnosis and treatment; at the same time, the root causes of delinquency, however defined, are more complex and deep-seated than generally has been recognized.

(2) Maine communities, plagued by ignorance and indifference, have failed to provide sufficient resources for dealing effectively with the roots of juvenile delinquency; instead, they have foisted the problem off on law enforcement officials, who in turn have usually relied upon courts and training centers to provide solutions.

(3) Lacking adequate knowledge and resources, but equipped with an abundance of confidence in their own good will, juvenile justice professionals have often reinforced delinquent behavior through the labelling and stigmatizing which necessarily accompany court processing and institutional detention.

Expanding the Capacity to Identify the Sources of Crime

With this analysis in mind, the primary objective of our recommendations is to expand the capacity of Maine's juvenile justice system to identify the underlying causes of juvenile delinquency and either eliminate them or reduce their potentially damaging effects. At the same time, we propose to aid those children already adversely affected by eliminating those aspects of the present system which have been shown to be either ineffective or counter-productive.

Briefly stated, our goal is to replace Maine's present centralized corrections-oriented juvenile justice system with a community-based prevention-oriented system. Ideally, such a system would embrace virtually all of the resources, both public and private, which Maine offers its citizens to help improve the quality of their lives, as well as other resources not presently available.

Importance of the Public School System

The Task Force recognizes that the single most important institution in a delinquency prevention system is the public school. We believe that school officials can better discharge their responsibilities in this area by taking a broader view of their students' educational needs, recognizing that for some youths the conventional elementary or secondary school program is an exercise in futility and frustration. Often both the student and the school would be better served by a more flexible approach, perhaps one combining or even replacing classroom instruction with actual work experiences. The responsibility of the school goes beyond educational and vocational training, however. It should be able to identify and provide for students' emotional, social, and recreational needs as well. The best way to ensure that such needs are met is to invite student involvement in program planning and administration.

Creating Effective Diversionary Programs

We also recommend the establishment or expansion at the community level of programs which help to channel juveniles' energies into constructive outlets. Social, civic, religious, recreational, and political groups should take part in this effort, again with the active participation of juveniles in program development.

The Task Force strongly endorses programs designed to divert juveniles from formal court processes and institutions. We are persuaded that rehabilitation efforts generally have a greater chance of success if they are offered on a voluntary basis before the "delinquent" (or the even more insidious "predelinquent") label is attached to the child, and if the juvenile's family is involved in the process as well. As a rule, diversion programs can best be coordinated by a community-based agency (identified in our recommendations as a Youth Service Bureau) which also has the capacity to provide services not available through either public or private sources. The Task Force feels that for a majority of juveniles the Youth Service Bureau should and would be the first and last contact point with the juvenile justice system.

The Role of the Juvenile Courts

We believe that the juvenile court, which traditionally has been at the center of the juvenile justice system in Maine and elsewhere, should be a court of last resort. Its personnel and procedures should be called into play only if the juvenile has been accused of a serious offense which would be considered criminal if committed by an adult, or if the juvenile disputes the allegations or requests a hearing. For those juveniles who are referred to court, we believe that an essential element in any eventual rehabilitation process is the knowledge that they are being treated fairly. Juvenile defendants should be afforded all appropriate due process protections. Foremost among these is representation by an attorney who understands that a juvenile facing possible training school commitment is being threatened with a significant loss of freedom. However

beneficial the attorney might consider such commitment to be, he has a responsibility to provide the juvenile defendant with the same quality legal defense he would give an adult client.

Providing Rational Alternatives For Juvenile Judges

Juvenile court judges often complain that after finding a juvenile to be delinquent they face a frustrating lack of sentencing alternatives between the extremes of probation and training school commitment. The Task Force firmly believes that diversionary programs and facilities should be as readily available at this stage as at the earlier pre-contact stages. We therefore recommend the filing of exhaustive pre-disposition reports which acquaint the juvenile court judge with the entire range of dispositional choices before he makes his decision.

Reorienting Juvenile Institutions Toward the Community

Finally, the Task Force strongly recommends that those juveniles who are committed to an institution after trial be provided with educational and vocational training programs designed to help them become first-class citizens upon their release. We believe that as much as possible such programs should take place in a community setting. At all times the juvenile institution should provide its residents with a natural academic and social environment, with the dual objectives of minimizing the stigma of institutional detention and preparing the juvenile for his re-entry into society. At this stage, as well as at all others, the effectiveness of our recommendations depends upon the willingness of Maine communities to cooperate with juvenile justice professionals in bringing about significant changes in the operation of Maine's juvenile justice system.

CHAPTER I

GOVERNOR'S TASK FORCE ON CORRECTIONS

Subcommittee on Prevention

JUVENILES IN TROUBLE

3. WE RECOMMEND THAT LEGISLATION BE PRESENTED TO THE 107TH LEGISLATURE ESTABLISHING A PERMANENT AND INDEPENDENT YOUTH SERVICES AGENCY, WHOSE SOLE FUNCTION SHALL BE TO PLAN AND FUND CONTINUING REGIONAL AND COUNTY-BASED YOUTH SERVICE BUREAUS CHARGED WITH PREVENTING JUVENILE DELINQUENCY AT THE LOCAL LEVEL, AND WITH DIVERTING JUVENILE CLIENTS FROM THE STATE CORRECTIONAL SYSTEM TO ALTERNATIVE COMMUNITY PROGRAMS WHEREVER POSSIBLE. (LEGISLATIVE)

Comment:

A coordinated approach to the problems of juvenile delinquency is desperately needed at the state level. Juvenile crime is on the increase in Maine, and rural Maine parents and taxpayers can hardly afford to remain ignorant of the fact that the problems of urban America are no longer exclusively the problems of urban America.

Juvenile officers, private citizens, and persons in daily contact with the problems of juvenile crime will testify that the contemporary juvenile offender is much more likely to be involved in drug-related, violent, or other serious offenses than his counterpart of only a decade earlier. In the face of this situation, several municipalities in Maine, using largely federal funding, have established "youth aid bureaus" and other more traditional community programs geared toward assisting individual juvenile clients with their problems, and toward ultimately curbing the rise in local juvenile crime. At the state level, however, very little is being done of a permanent nature to coordinate this effort and to give it intelligent planning direction.

The Juvenile Delinquency planning section of the Maine Law Enforcement Planning and Assistance Agency is largely a funding conduit and has yet to participate closely as an active part of the state delivery of services to juveniles; and the present Youth Service Coordination Agency within the Office of the Governor, although a beginning step toward the planning of continued provision of services to juveniles in trouble, has been preoccupied historically with addressing the failings of the state's juvenile correctional system itself. Very recently the Office of the Governor also received a \$314,631 two-year grant from the Law Enforcement Assistance Agency to plan for the needs of children and youth in Maine.

With several temporary branches of the state government thus apparently going off on their own directions within the broader area of juvenile problems, the Governor's Task Force on Corrections believes that no more time should be wasted in actually providing for the needs of problem juveniles in Maine.

We recommend first that the two-year grant received by the Office of the Governor be used immediately to establish the core of the juvenile delinquency planning effort in Maine, and that secondly a small, independent, and efficient coordinating agency of government be established legislatively to continue juvenile delinquency planning on a permanent basis. The original planning effort in the Office of the Governor should be charged with planning and establishing a truly effective and permanent community-level juvenile delinquency program in Maine. The permanent Youth Services Agency proposed here should begin, as soon as possible, to implement the emerging policies of the juvenile delinquency planning effort, and should be given continuing long-term state support to establish regional and county-level youth service bureaus to carry out its programs and to purchase social services for juveniles in the local communities.

Consistent with a continuing policy of the Governor's Task Force on Corrections that all possible criminal justice and correctional problems should be handled at the community level, we recommend that the proposed youth service bureaus be locally administered by local citizens, and that they be created as much as possible around presently successful community-controlled juvenile programs in local Maine communities.

4. WE RECOMMEND THAT THE MAINE LAW ENFORCEMENT PLANNING AND ASSISTANCE AGENCY CONSIDER PRIORITY FUNDING OF REGIONAL AND COMMUNITY-ADMINISTERED CRIMINAL JUSTICE DIVERSIONARY PROGRAMS SUCH AS LOCAL YOUTH SERVICE BUREAUS, AND THAT ITS PRESENT POLICY OF ESTABLISHING JUVENILE DELINQUENCY PREVENTION AND DIVERSIONARY PROGRAMS ADMINISTRATIVELY WITHIN EXISTING LAW ENFORCEMENT AGENCIES BE REEXAMINED ACCORDING TO THE PRINCIPLE THAT THE MOST DESIRABLE JUVENILE DIVERSIONARY PROGRAMS ARE THOSE WHICH MOST EFFECTIVELY LIMIT PENETRATION OF JUVENILE OFFENDERS INTO THE LAW ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS. (ADMINISTRATIVE)

Comment:

During the past two years increasing numbers of "police youth aid bureaus", police juvenile officers, and police school liaison officers have been funded by the Maine Law Enforcement Planning and Assistance Agency as part of an increased effort to deal with the problems of juvenile delinquency in Maine. These programs, usually placed administratively within existing law enforcement agencies, are charged with identifying and offering assistance to curb delinquent behavior in the community at the earliest possible opportunity in the criminal justice and correctional processes, before such behavior becomes so serious as to come unavoidably to the attention of the major criminal courts.

While the establishment of such diversionary programs is obviously needed, the Governor's Task Force on Corrections is not convinced that they should be placed within law enforcement agencies in all instances. We are convinced that the most effective work with problem juveniles is done on an informal peer group basis, with counselors in whom the juvenile is easily able to trust and to confide. This is often not possible in police-based diversionary programs, and often the mere appearance of a close connection with local law enforcement agencies is sufficient to entirely destroy the effectiveness of even the most well-meaning juvenile officer in dealing with his clients.

Accordingly, with our strong advocacy of community-administered youth service bureaus as the key element in the prevention of juvenile delinquency in Maine, and with the expected continuing competition for limited financial resources to support such programs in the short term, we recommend in the short term, for areas of Maine which presently have no juvenile delinquency diversionary programs, that community-controlled youth service bureaus be funded in preference to similar programs administered by local police systems, and that over the long term the entire concept of administratively locating the large majority of juvenile diversionary programs in existing law enforcement agencies be critically reexamined.

5. WE RECOMMEND THAT THE PUBLIC EDUCATIONAL SYSTEMS IN MAINE BE DIRECTED BY THE STATE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES TO ESTABLISH SPECIAL PROGRAMS WITHIN LOCAL SCHOOL ADMINISTRATIVE DISTRICTS TO ADDRESS THE SOCIAL AND EDUCATIONAL NEEDS OF THE PROBLEM STUDENT. SPECIFICALLY, TEACHERS AND GUIDANCE PERSONNEL MUST BE TRAINED AS A CONDITION OF CERTIFICATION TO DEAL WITH AGGRESSIVE BEHAVIOR, POOR ACADEMIC PERFORMANCE, SOCIAL PATHOLOGY, AND TRUANCY WITHIN THE SCHOOL SYSTEM ITSELF, AND SCHOOL ADMINISTRATORS SHOULD BE ENCOURAGED TO ESTABLISH FORMAL PROGRAMS WITHIN THE LOCAL SCHOOL SYSTEM DEALING WITH SUCH PROBLEMS AND CLOSELY TIED TO EXISTING LOCAL SOCIAL SERVICE RESOURCES. (ADMINISTRATIVE)

Comment:

The Governor's Task Force on Corrections believes strongly that many juvenile delinquency problems stem directly from difficulties with either the social or academic aspects of public education in this state. Students who do not succeed in the school environment often fail partly because of external social, psychological, or emotional problems largely beyond their control. Students who are thus frustrated in their attempts to succeed both socially and academically within the school environment are far more likely to become the severe disciplinary problems, habitual truants, drug abusers, vandals, and minor and major lawbreakers who comprise a substantial portion of our juvenile institutional populations. Statistical information also indicates strongly that the longer young children exhibiting social disabilities within the educational system are left unassisted with their problems the more likely are these problems of persisting to the point of becoming potential sources of actively anti-social behavior.

With the passage of Chapter 404 of Title 20 M.R.S.A., during the regular session of the 106th Legislature in 1973, local school administrative districts in Maine were called upon, under threat of possible denial of state financial aid, to become more responsive at the local level to "students with special needs", including the request to use broad statutory authority to respond to the problems of special students through the purchase of educational and social services in the local community. The Maine Department of Educational and Cultural Services is developing pupil evaluation teams to assist in the implementation of Chapter 404 at the local level, and we recommend, first, that such teams and local schools be charged specifically with diverting as many problem students as possible from the correctional system through the purchase of community services at the local level. Local school administrators in Maine have been transporting their problems needlessly to the state's correctional system for years, and we believe that the time is now appropriate to

ensure, under the sanctions of Chapter 404, that incarceration of public school students is the last alternative considered.

Secondly, we recommend that local school administrators and guidance counsellors be charged with cooperating closely with local youth service bureaus in identifying alternative community-based assistance programs for problem students, other than those programs under the administration of the criminal justice or correctional systems, and that referrals of such students be made regularly from the schools to the local youth service and other existing social welfare agencies, to ensure that in fact incarceration of problem adolescents is the last alternative chosen.

6. WE RECOMMEND THAT MAINE'S JUVENILE STATUTES BE REVISED TO REMOVE FROM THE COURT'S DELINQUENCY JURISDICTION ALL OFFENSES NOT CONSIDERED CRIMINAL WHEN COMMITTED BY AN ADULT. (LEGISLATIVE)

Comment:

The jurisdiction of the juvenile court traditionally has been very broadly defined, embracing "status" as well as "behavioral" offenses. We believe, however, that official court processing is often harmful, particularly in cases where the juvenile in effect is held responsible for a situation which everyone recognizes as not of his or her own doing. If the juvenile justice system is to deal with such cases, it should be on a voluntary, non-judicial basis, and such a process should involve the entire family instead of merely the child. As the law presently exists in Maine, so-called "status offenders" cannot be institutionalized. We would go one logical step further and say that they should not be adjudicated at all.

7. WE RECOMMEND THE ESTABLISHMENT IN EACH OF THE STATE'S JUVENILE COURTS OF A SCREENING DEPARTMENT RESPONSIBLE FOR DETERMINING WHETHER A REFERRAL FALLS WITHIN THE DELINQUENCY JURISDICTION OF THE COURT, AND IF SO, WHETHER FORMAL PROCEEDINGS SHOULD BE INITIATED. CASES NOT WITHIN THE COURT'S JURISDICTION SHOULD EITHER BE DISMISSED OR RETURNED TO THE REFERRAL SOURCE FOR POSSIBLE DIVERSIONARY ACTION. CASES WITHIN THE COURT'S JURISDICTION BUT NOT SERIOUS ENOUGH FOR FORMAL PROCESSING SHOULD BE DISMISSED OR DEALT WITH THROUGH A VOLUNTARY NON-JUDICIAL DISPOSITION. AS A RULE, FORMAL PROCEEDINGS SHOULD BE INITIATED ONLY IN THE FOLLOWING CASES: 1. WHERE THE ACCUSATIONS ARE IN DISPUTE; 2. WHERE THE ALLEGED OFFENSE REPRESENTS A GRAVE THREAT TO THE PUBLIC SAFETY; 3. WHERE THE JUVENILE OR THE PARENTS REQUESTS FORMAL ADJUDICATION. (LEGISLATIVE) (ADMINISTRATIVE)

Comment:

The core agencies in our proposed prevention-oriented juvenile system are not the juvenile courts but the local youth service bureaus. We realize, however, that in some instances referral sources, particularly the police, will continue to refer alleged offenders to court rather than to the youth service bureaus. We believe that for many such persons court action, even of the most informal kind, is inappropriate and potentially harmful. It will be the function of the proposed screening department to identify such cases and to seek referral of them to the youth service bureaus and their associated

social service agencies for voluntary action. Although the screening department will be an arm of the juvenile court and its decisions subject to the approval of the juvenile court judge, we anticipate that the screening department will work closely with representatives of local youth service bureaus. In addition, screening department personnel should have the expertise not only to diagnose behavioral problems but also to take part in rudimentary professional or paraprofessional counseling of their clients when necessary, until an appropriate referral is made.

The criteria cited above for the screening of cases brought to the attention of the juvenile courts are drawn generally from Standard 8.2 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals. We have not adopted another apparent Standards and Goals recommendation to the effect that formal proceedings be initiated where "detention or removal from the home is indicated" by the "needs" of the juvenile (Chapter 8, p. 257, and Standard 8.2 (6) (a) (4) p. 267). We disagree with this national recommendation because we believe strongly that the standard used is far too vague for making rational decisions concerning the fate of juveniles in trouble, and that such preemptory action may in effect place the basic dispositional decision before any formal adjudication, and may thus subvert the juvenile's rights to procedural due process at every important stage of the proceedings concerning him.

8. WE RECOMMEND THAT EVERY JUVENILE SUBJECT TO THE COURT'S DELINQUENCY JURISDICTION HAVE COUNSEL AUTOMATICALLY ASSIGNED BY THE COURT, UNLESS THE JUVENILE AND THE PARENTS PREFER TO RETAIN AN ATTORNEY PRIVATELY. NO WAIVER OF THE RIGHT TO COUNSEL SHOULD BE PERMITTED BY THE COURT. WE RECOMMEND THAT ATTORNEYS RETAINED OR APPOINTED TO REPRESENT JUVENILES BE INSTRUCTED BY THE COURT TO APPROACH THEIR LEGAL RESPONSIBILITIES PRECISELY AS THEY WOULD IN AN ADULT CASE, KEEPING IN MIND THAT A JUVENILE ADJUDGED DELINQUENT FACES THE POSSIBILITY OF A SIGNIFICANT LOSS OF PERSONAL FREEDOM. WE FURTHER RECOMMEND THAT SHOULD A CONFLICT OF INTEREST BETWEEN THE JUVENILE AND THE PARENTS ARISE, THE ATTORNEY'S RESPONSIBILITY SHALL BE TO REPRESENT THE LEGAL INTERESTS OF THE JUVENILE, AND THAT UNDER SUCH CIRCUMSTANCES THE JUVENILE'S RIGHT TO SEEK APPEAL OF ANY ACTION BY THE COURT SHALL NOT BE SUBJECT TO PARENTAL CONSENT. (LEGISLATIVE)

Comment:

Although in In Re Gault, 387 U.S. 1 (1967), the United States Supreme Court observed that a juvenile facing the possibility of incarceration requires the services of counsel at least as much as would an adult under similar circumstances, there is widespread confusion and disagreement about the proper role of defense attorneys in juvenile proceedings. Some attorneys approach their responsibilities precisely as they would in an adult case, while others feel an overriding obligation to cooperate with the court, even to the point of limiting their defense if the client appears to "need" the treatment which the court has to offer. Data show that there is a significant relationship in Maine and elsewhere between attorneys' role orientations and eventual case dispositions, with the clients of lawyers adopting a non-adversary approach being much more likely eventually to be formally adjudicated by the juvenile court, and to come under the jurisdiction of the state's correctional system.

Given such a situation, we believe that the rights of juveniles in relation to their parents and to their attorneys should be reexamined. If right to counsel is to be meaningful, it must be a right to effective counsel responsible directly to the client, and for these reasons we strongly advocate a basic reorientation of the manner in which the bar has historically approached its duties in providing counsel in juvenile matters.

9. WE RECOMMEND THAT THE CHIEF JUDGE OF THE MAINE DISTRICT COURT SYSTEM DIRECT ALL DISTRICT COURTS TO CEASE USING THE FACILITIES OF THE BOYS TRAINING CENTER AT SOUTH PORTLAND AND OF THE STEVENS SCHOOL AT HALLOWELL FOR DIAGNOSTIC SERVICES FOR JUVENILES PRIOR TO ADJUDICATION, AND THAT INSTEAD, THE OUTPATIENT SERVICES OF THE VARIOUS COMMUNITY MENTAL HEALTH CENTERS AND OTHER COMMUNITY SERVICES BE UTILIZED FOR SUCH PURPOSES, WITH RESIDENTIAL SERVICES IF NECESSARY BEING SUPPLIED BY LOCAL GROUP HOMES. (ADMINISTRATIVE)

Comment:

Recently, a practice has arisen at some juvenile courts in Maine of transporting juveniles from various locations in Maine to juvenile institutions for extensive "diagnostic evaluation" prior to adjudication. Under such arrangements, juveniles are removed from their local communities and lodged at the training centers for as long as one month, prior to any disposition of the charges in their case. Information provided to the Task Force by trained psychologists in Maine, however, establishes that a complete diagnostic evaluation of such persons should take no more than three days where services are immediately available. In short, the Maine courts appear to be using our juvenile correctional facilities as "jails" and locations for punitive incarceration prior to final adjudication. We believe this practice to be a wholly unacceptable manner in which to inform some juveniles at first hand of the possible sanctions attached to the continuance of their alleged conduct, and such practices authorized by a presiding judge do seem somewhat to beg the ultimate questions in the pending criminal case.

In addition, such practices force the juvenile institutions needlessly to divert their already limited psychiatric and psychological staff from regular institutional programs to the added work of the courts, when often adequate less costly non-residential psychological and diagnostic services are available to the courts at community mental health centers elsewhere. And lastly, the practice is unduly expensive in terms of transporting accused juveniles between the training centers and their home communities, and seems unjustified on the basis of efficiency alone where the combination of community mental health and residential group home facilities exist nearer the juvenile's home community.

JUVENILES UNDER THE CORRECTIONAL SYSTEM

10. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS BE DIRECTED TO DEVELOP BY MARCH 1, 1975 A TWO-STAGE PLAN FOR THE FUTURE OF JUVENILE CORRECTIONAL INSTITUTIONS IN MAINE. IN THE FIRST STAGE, THE BOYS TRAINING CENTER AND THE STEVENS SCHOOL WOULD BE MERGED INTO ONE CO-EDUCATIONAL INSTITUTION; AND IN THE SECOND STAGE, THE RESIDENTIAL CHARACTER OF THE INSTITUTIONS WOULD BE GRADUALLY REPLACED BY A STATEWIDE SYSTEM OF PRIVATELY-ADMINISTERED GROUP HOMES, PURCHASING PUBLIC

AND PRIVATE EDUCATIONAL AND SOCIAL SERVICES IN AREAS NEAR THE JUVENILE'S HOME COMMUNITY. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

It is fashionable presently to advocate the immediate closing of state-controlled juvenile institutions. Several states have recently chosen this approach to their problems of juvenile corrections, and the State of Massachusetts has been a nearby and notorious leader in this regard. To say, however, that state-controlled juvenile correctional institutions have not dealt adequately with the problems of juvenile offenders; and that therefore, these institutions immediately must go, in the interests of reducing juvenile crime, is first of all an oversimplification of the problems involved, and secondly, an exercise in questionable logic.

The Governor's Task Force on Corrections believes that the basic causes of juvenile crime lie in chronic social and economic deprivation, and that no amount of treatment of individual juveniles once they reach a juvenile correctional institution is going to reduce significantly the total amount of juvenile crime being committed in this state. The source of the problem of juvenile crime is in the community, and we cannot emphasize strongly enough that the solution to the problem is in the community also.

Therefore, we are recommending basically two things; first, that living conditions for juveniles remaining institutionalized in the immediate and near future in Maine be made as natural as possible, with the implementation of co-educational facilities being a priority goal; secondly, that the administration of our correctional programs for juveniles in the short-term be as economical as possible, with the immediate implementation of the physical merger of the two institutions at one location to be determined by correctional officials (See Recommendation #63); and thirdly, that the residential programs of state juvenile correctional centers be gradually dismantled and decentralized to local community centers, with the state continuing to provide emergency custodial care as well as diagnostic and special services to the entire system. With the eventual discontinuance of most residential programs at state juvenile facilities, juveniles requiring continued close supervision would be housed in specially administered local state programs throughout Maine, or in highly-structured group homes.

The physical merger of the two present juvenile institutions is alone expected to achieve estimated budgetary savings of \$1 million annually, and the reallocation of these funds to community programs dealing with juvenile delinquency should provide substantially for the immediate and projected needs of local Maine communities in these areas.

11. WE RECOMMEND THAT LEGISLATION BE INTRODUCED TO THE REGULAR SESSION OF THE 107TH LEGISLATURE CREATING A SYSTEM OF POSITIVE FINANCIAL INCENTIVES TO LOCAL COMMUNITIES DIRECTLY CONDITIONED UPON: (1) THE SUCCESSFUL ESTABLISHMENT OF REGIONAL PROGRAMS DEALING WITH JUVENILE DELINQUENCY; AND (2) A MEASURABLE PER CAPITA REDUCTION IN THE NUMBER OF COMMITMENTS TO JUVENILE INSTITUTIONS AT THE LOCAL LEVEL. (LEGISLATIVE)

Comment:

Juvenile institutions throughout the United States have historically served in part as repositories for young persons whose real offense was often that of being a simple disciplinary problem to parents, a local school system, or a particular municipality. Such "problem juveniles" in Maine have traditionally fallen within the broad statutory categories of habitual truants, incorrigibles, and persons "in danger of falling into vice".

Recognizing however, that state correctional institutions rarely solve the underlying causes of such symptomatic behavior patterns exhibited by individual juveniles, and recognizing that in the past in Maine, local community and school officials have perhaps too readily preferred allowing the state to deal with their local juvenile problems at centralized training schools, rather than establishing community-based and funded programs to deal with the situation at the local level, the 106th Legislature enacted legislation making it unlawful to commit a juvenile to a correctional institution for an act which, if committed by an adult, would not be a criminal offense.

Since this legislation became effective, however, local communities in Maine, perhaps for lack of adequate incentive, have not supplied alternative local services for juveniles in trouble, and the problem is going largely unattended.

In attempting to solve similar problems, several areas of the country have been experimenting with the use of positive financial incentives to municipalities which deal successfully with greater percentages of juvenile offenses on the local level as an alternative to incarceration. The so-called "Santa Clara 601 Project" in California is one such technique to give communities not only the incentive, but the means to establish local and regional juvenile delinquency programs, and we recommend that the state and federal funding agencies implement methods of conditioning the award of further law enforcement grants in aid to local municipalities for juvenile purposes on a combination of both a demonstrated willingness by local officials to provide adequate alternatives at the local level to juvenile incarceration, and a clear reduction in the incidence of total per capita commitments to juvenile institutions from such communities.

With per capita costs of residence at juvenile institutions in Maine running at \$14,000-\$20,000 per year, we believe that the above recommendation represents a responsible method both to establish effective local juvenile delinquency prevention programs, in the short term, and to save the Maine taxpayer substantial sums of money over the long term expended needlessly for juvenile incarceration in this state.

12. WE RECOMMEND THAT THE LEGISLATURE CREATE A "MAINE GROUP HOME ADVISORY BOARD" TO BE RESPONSIBLE TOGETHER WITH STATE OFFICIALS FOR THE PLANNING AND DEVELOPMENT OF A STATEWIDE SYSTEM OF PRIVATE GROUP HOMES. THE BOARD SHALL BE COMPRISED OF 10-12 MEMBERS INCLUDING REPRESENTATIVES OF THE BUREAU OF CORRECTIONS, SOCIAL WELFARE AGENCIES, AND CITIZENS APPOINTED BY THE GOVERNOR. THE BOARD WOULD SERVE AS THE OFFICIAL CLEARING HOUSE AND PLANNING AGENCY FOR THE DEVELOPMENT OF GROUP HOME SERVICES IN THE STATE, AND WOULD PROVIDE INFORMATION TO PRIVATE CITIZENS CONCERNING GROUP HOME FUNDING, CERTIFICATION, PLACEMENTS, AND LICENSING. (LEGISLATIVE)

Comment:

Recent changes in Maine statutes relating to juvenile offenses have resulted in a reduction in the population of both the Boys Training Center and the Stevens School. At the same time there has appeared a growing demand for the provision of alternative living situations for problem youth, and because of this demand many public and private agencies are becoming interested in establishing networks of group homes for juveniles in Maine.

It is important that prior to the establishment of any system of group homes for juveniles, adequate planning be done to assure even geographical distribution of resources, and coordination among existing state agencies in the planning effort. It is important also that once the system is established, existing agencies and the public are provided with a central coordinating body capable of assuring the most efficient use of local services by group home facilities in the local community.

13. WE RECOMMEND THAT LEGISLATION BE PRESENTED TO THE 107TH LEGISLATURE REQUIRING THAT ALL TRAINING SCHOOL COMMITMENTS BE MADE FOR A ONE YEAR PERIOD AND THAT TRAINING SCHOOL AUTHORITIES BE ALLOWED TO RELEASE JUVENILES ON ENTRUSTMENT AT ANY TIME PRIOR TO THE EXPIRATION OF THAT YEAR. FOLLOWING ENTRUSTMENT, AFTERCARE SERVICES SHOULD CONTINUE TO BE MADE AVAILABLE TO FORMER RESIDENTS ON A VOLUNTARY BASIS UP TO 18 YEARS OF AGE. (LEGISLATIVE)

Comment:

Presently juveniles are committed to juvenile institutions for an indeterminate amount of time and may be detained until their 18th birthday. While the average stay at both institutions is less than one year, juveniles may remain on entrustment for several years. Extended entrustment is a significant restriction of freedom for a juvenile and may inhibit his or her independent development as a responsible and self-sufficient individual. As residential institutions of last resort, the Boys Training Center and the Stevens School should be encouraged to make whatever contribution they are able in a custodial setting to the positive development of the juveniles under their charge within a one year period. Beyond that time a complete range of non-residential after-care services should be offered to former residents only on a voluntary basis.

At the same time, however, it is our opinion that juvenile institutions oriented basically around academic programs and schedules, are particularly inappropriate facilities for very short-term punitive sentencing of juvenile offenders; and thus, we are recommending that the courts be given no discretion to sentence offenders to juvenile institutions for periods of less than one year. Where academic scheduling problems do arise, we recommend that necessary extensions or reductions of time actually to be served be cooperatively agreed upon in individual cases by the juvenile resident and the institutional administration, and that within the guidelines of this recommendation correctional officials be given the authority to expend appropriated funds on juveniles under their care for short periods beyond the juvenile's 18th birthday.

14. WE RECOMMEND THAT QUALIFIED AND CAPABLE STUDENTS IN RESIDENCE AT JUVENILE INSTITUTIONS IN MAINE BE ENROLLED ADMINISTRATIVELY IN PUBLIC OR PRIVATE SCHOOL PROGRAMS IN THE VICINITY OF THE CORRECTIONAL INSTITUTION, UNLESS THE INSTITUTION CAN DEMONSTRATE IN EACH CASE THAT INSTITUTIONALLY

ADMINISTERED EDUCATIONAL PROGRAMS ARE REQUIRED BY THE JUVENILE.
(LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that meeting the educational needs of all offenders in a natural community environment is to be greatly preferred over attempting to provide for these same educational needs unnaturally in a correctional institution setting. National observers such as the Pulitzer Prize winning author Howard James, have commented also that juveniles presently residing at Maine correctional facilities tend to be committed for offenses of a less serious nature than those of their juvenile counterparts in other states. Given this situation, it is easily possible for Maine correctional institutions housing juvenile offenders to follow the national lead and to begin placing significant percentages of their populations in public and private community educational programs immediately, while at the same time opening their facilities to increased use by the surrounding community.

In Maine, the Governor's Task Force has been convinced that, at least at the Boys Training Center, the institutional vocational and educational programs in operation there are sometimes significantly superior to local public school programs, and we recommend that that institution intensively explore the possibility of placing qualified residents only in superior public and private schools. At the Stevens School, we recommend that the administration intensively explore placing large percentages of its resident population in both private and local public schools.

In making these recommendations, we recognize that in some cases, simple requirements of institutional security and public safety would preclude the opportunity of a community education for some inmates, and we believe that the correctional institutions can easily demonstrate such requirements on an individual basis. We do believe, however, that for substantial percentages of our present juvenile offender population, a local non-institutional education is desirable and possible, and we strongly urge juvenile correctional authorities first to determine the percentages of their populations who could be placed successfully in community educational programs, and then to begin actually placing such persons in these educational environments as soon as possible.

15. WE RECOMMEND THAT THE BOYS TRAINING CENTER AND THE STEVENS SCHOOL EXPAND THEIR USE OF THE FAMILY LEAVE PROGRAM FOR JUVENILES PRESENTLY IN RESIDENCE AT THESE CORRECTIONAL INSTITUTIONS. (ADMINISTRATIVE)

Comment:

The purposes of the family leave program for incarcerated juveniles, similar to those of the furlough program for incarcerated adults, are to provide frequent opportunities for residents of correctional facilities to maintain positive family and community ties, to develop positive occupational and social community ties where none presently exist, and to lessen the impact of the eventual transition from institutional to community living.

To these ends, both the Boys Training Center and the Stevens School presently operate family leave programs. Research undertaken by the Task Force

however, indicates that the opportunities provided by these programs are not utilized as frequently as we had expected. With an average resident population of 29 persons at the Stevens School through the first six months of 1974, only an average of 33% of these residents were granted any form of leave privileges in any one month. And out of a similar average population at the Boys Training Center of 180 persons through the first six months of 1974, an average of 63% of these boys were given some form of family leave during each month.

The Boys Training Center has recently reorganized its family leave program in order to make it possible for greater numbers of confined juveniles to visit their homes more frequently. The Stevens School, however, has not followed this lead. With the maximum security Maine State Prison now successfully authorizing off-grounds leave, through the furlough program, for almost 86% of the inmates who pass through its doors, we should carefully examine any present administrative policies which may make conditions of confinement actually more restrictive for persons residing in our minimum security juvenile correctional facilities. We therefore recommend that administrative action be taken at both juvenile institutions to expand family and other leave programs permanently, and that standardized written criteria for the selection of juvenile participants in such programs be established at the Bureau level.

16. WE RECOMMEND THAT LEGISLATION BE ENACTED ASSURING THE IMPOSITION OF STRICT STATUTORY CONTROLS ON THE ACQUISITION, STORAGE, AND USE OF JUVENILE CRIMINAL JUSTICE AND CORRECTIONAL RECORDS.

SPECIFICALLY, WE RECOMMEND THAT THE JUVENILE, THE PARENTS, AND THE JUVENILE'S ATTORNEY HAVE ACCESS TO ALL INFORMATION CONCERNING THE JUVENILE ACCUMULATED BY POLICE, PROBATION, AND COURT PERSONNEL, AND THAT THE JUVENILE AND THE PARENTS HAVE AN OPPORTUNITY TO CORRECT ANY INACCURACIES IN THESE RECORDS AND TO RESPOND TO ANY STATEMENTS THEY REGARD AS MISLEADING, PREJUDICIAL, OR UNFAIR. CARE SHOULD BE TAKEN ALSO TO LIMIT LEGISLATIVELY THE AVAILABILITY OF SUCH RECORDS TO THOSE PERSONS HAVING SPECIFIC ADMINISTRATIVE RESPONSIBILITIES IN JUVENILE CASES, AND IF A CASE IS BEING FORMALLY ADJUDICATED, REPORTS FILED BY PROBATION AND COURT OFFICERS SHOULD NOT BE SHOWN TO THE JUVENILE COURT JUDGE UNTIL THE DISPOSITION STAGE OF THE PROCEEDINGS. IN ADDITION, RECORDS OF VOLUNTARY CONTACTS WITH PREVENTION AND DIVERSIONARY PROGRAMS SHOULD BE CLEARLY LABELLED AS SUCH; AND ALL RECORDS OF ARRESTS NOT RESULTING IN FORMAL FINDINGS OF DELINQUENCY SHOULD BE DESTROYED FOLLOWING DISMISSAL OR INFORMAL DISPOSITION OF THE CHARGES, WITH ALL JUVENILE RECORDS BEING DESTROYED WHEN THE SUBJECT REACHES THE AGE OF 18. (LEGISLATIVE)

Comment:

An effective community-based delinquency-prevention system will require a great deal of communication and sharing of information among its component parts. Most of this information will consist of highly personal data on juveniles and their families. As a general rule, the more helpful such information may be when made available to some, the more damaging it may be in the hands of others. We believe, therefore, that the State has a compelling obligation to guard against the misuse of juvenile records, both while the juvenile is "inside" the system and after he or she has become an adult. In protecting the rights of juvenile offenders, we believe also that the most effective

legislative safeguards would necessarily include statutory provisions ensuring the accuracy and completeness of such records, limiting access to records to those with a demonstrable "need to know", and providing for the certain destruction of such records once they are no longer relevant.

17. WE RECOMMEND THAT THE AFTERCARE PROGRAM AT THE BOYS TRAINING CENTER BE EXPANDED SUBSTANTIALLY, AS ITS POPULATION DECREASES, AND THAT THE BOYS TRAINING CENTER BE IMMEDIATELY DIRECTED TO EXTEND ITS AFTERCARE SERVICES TO STEVENS SCHOOL CLIENTS. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Presently, the Boys Training Center operates a very good aftercare program for boys leaving the institution, involving family counseling, placement with local social service agencies, entrustment supervision, and informal voluntary assistance with any continuing social or educational problems of their former residents. The Stevens School for girls, however, has no such program.

Institutional aftercare services for both the former juvenile offender and his family can be vital in securing needed social services provided by local state social welfare teams and specialists at local community mental health centers. The program operating at the Boys Training Center appears to be quite successful in permanently reintegrating its clients into the community, and should be expanded as greater numbers of juveniles at the institution are placed in local community living situations.

The aftercare services of the Boys Training Center have been offered gratuitously to the administration of the Stevens School, and yet this arrangement of cooperative assistance has not to date been implemented. We urge that the Boys Training Center be directed unambiguously to make available such services to the departing population of the Stevens School as soon as possible, and that over the long term responsibility for the provision of such services be transferred to the local youth service bureaus and to the proposed Division of Community Services within the Bureau of Corrections. (See Recommendation #91.)

SENTENCING AS A RATIONAL DETERRENT TO CRIME

18. WE RECOMMEND THAT SENTENCING LEGISLATION BE ENACTED RECOGNIZING THE LEGITIMATE STATE INTERESTS, IN DEALING WITH CRIMINAL OFFENDERS, OF (1) INCAPACITATION, (2) PUNISHMENT AS A MEANS TO DETER WILLFUL CRIMINAL BEHAVIOR, AND (3) REHABILITATION; AND RECOGNIZING THAT WHILE CUSTODIAL INSTITUTIONAL CONFINEMENT IS AN APPROPRIATE MEANS TO ACHIEVE THE FIRST AND SECOND OBJECTIVES, IT IS TOTALLY INAPPROPRIATE FOR THE THIRD.

SPECIFICALLY, WE RECOMMEND THE ENACTMENT OF LEGISLATION REQUIRING ALL SENTENCING JUDGES TO CONSIDER THE FOLLOWING ALTERNATIVES IN DESCENDING ORDER IN EACH CRIMINAL CASE, AND REQUIRING THAT THE COURT IN EACH CASE SELECT THE LEAST DRASTIC OF THE FOLLOWING ALTERNATIVES OR COMBINATIONS OF DISPOSITIONS WHICH IS IN ITS OPINION CONSISTENT WITH THE PROTECTION OF THE PUBLIC SAFETY:

- (A) UNCONDITIONAL RELEASE;
- (B) RESTITUTION;
- (C) A FINE;
- (D) CONDITIONAL RELEASE;
- (E) RELEASE TO THE COMMUNITY UNDER PROBATION OR OTHER GOVERNMENTAL SUPERVISION;
- (F) SENTENCE TO THE BUREAU OF CORRECTIONS FOR PLACEMENT IN A HALFWAY HOUSE OR OTHER RESIDENTIAL FACILITY LOCATED IN THE COMMUNITY;
- (G) SENTENCE TO THE BUREAU OF CORRECTIONS FOR PARTIAL CONFINEMENT IN A CORRECTIONAL FACILITY WITH OPPORTUNITY TO PARTICIPATE IN COMMUNITY-BASED WORK, TRAINING, OR EDUCATIONAL PROGRAMS; AND
- (H) SENTENCE TO THE BUREAU OF CORRECTIONS FOR TOTAL CONFINEMENT IN A CORRECTIONAL FACILITY.

WE RECOMMEND THAT IN EACH CASE THE COURT ARTICULATE THE REASONS FOR SELECTING OR REJECTING EACH OF THE ABOVE ALTERNATIVES, THAT THESE REASONS BE MADE A PART OF THE RECORD OF THE CASE, AND THAT THE SENTENCING COURT RETAIN JURISDICTION OVER THE OFFENDER UNTIL COMPLETION OF THE SENTENCE IMPOSED.
(LEGISLATIVE)

Comment:

Prison sentences in the United States are the highest in the Western world. Statutory sentences for most criminal offenses in Maine also fall generally within the national norms, and the Governor's Task Force on Corrections believes this to result from a combination of the misplaced beliefs that "rehabilitation" of offenders actually occurs within the walls of correctional institutions, and secondly that retribution is an effective sanction for the overwhelming majority of criminal offenses.

First, we wish to state in the strongest possible language our belief in the myth of "rehabilitation" as it applies to the vast majority of institutional inmates in Maine. In fact, we have found that there are virtually no rehabilitative programs presently operating within Maine correctional institutions, and those that do exist we believe would operate more effectively in the community. In addition, we have found, not suprisingly, that while confined in Maine correctional facilities, few inmates dwell on inner penitence for their previous criminal acts, and those who exhibit the least amount of interest in contrition and the largest amount of interest in simply being released from confinement and locating a good job are statistically the most likely to succeed upon eventual release from the correctional system. Judges, police, correctional officials, and legislators have been aware of this fact for years, and yet under the peculiar euphemism of "rehabilitation" we have, with an abundance of good will, continued to sentence offenders to extended terms of confinement ostensibly for their own good.

The Governor's Task Force on Corrections believes that until we frankly and publicly recognize that the most effective purposes of confinement in a penal facility are first for punishment of willful offenders; and secondly, simply to remove the most dangerous offenders from the possibility of further harming society, we will not begin to deal rationally with the issue of sentencing convicted persons to situations which over the long term will most adequately protect society and reduce the overall incidence of crime.

The present approach to the sentencing of offenders in Maine makes little sense. The heads of every major correctional facility in Maine unanimously agree

that less than 20% of their present institutional populations actually requires the degree of security imposed on all inmates at such institutions. Simply stated, the other 80% of Maine's inmate population should be involved in some program situation other than that existing at a major state correctional facility.

Considering this, the Governor's Task Force on Corrections wishes clearly to acknowledge the fact that Maine correctional institutions contain some extraordinarily dangerous persons, but we wish to stress clearly also that such persons comprise the distinct minority of our state's total inmate population. Accordingly, in all of our sentencing recommendations we are recommending that the courts rationally single out the most dangerous persons for extended confinement, and that all other offenders be assigned in turn to programs which will be of the greatest benefit to society in terms of the short-term protection of the public safety and the long-term reduction of future crime.

The general outline of the judicial checklist we are proposing for the sentencing of convicted offenders to alternative community programs is supported by the American Bar Association, the American Law Institute, the National Council on Crime and Delinquency, and Standard 5.2 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals.

19. WE RECOMMEND THAT OVER THE LONG TERM LEGISLATION BE ENACTED CLASSIFYING ALL CRIMINAL OFFENSES IN MAINE INTO NOT MORE THAN 10 PENALTY CATEGORIES PATTERNED AFTER THE RECENT PROPOSED REVISION OF THE FEDERAL CRIMINAL CODE, THE RECOMMENDATIONS OF THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS, AND BASED GENERALLY ON THE DANGER ACTUALLY POSED BY EACH OFFENSE CATEGORY TO THE PUBLIC SAFETY. FOR EACH CATEGORY, THE LEGISLATURE SHOULD SET A MAXIMUM TERM OF STATE CONTROL OVER THE OFFENDER OF FIVE YEARS OR LESS, EXCEPT FOR THE CRIME OF MURDER - AND EXCEPT WHEN IN THE INTEREST OF PUBLIC PROTECTION IT IS NECESSARY TO INCAPACITATE CERTAIN TYPES OF OFFENDERS FOR SUBSTANTIAL PERIODS OF TIME THROUGH THE IMPOSITION OF TERMS OF UP TO 25 YEARS FOR THE FOLLOWING CATEGORIES OF OFFENDERS:

- (1) PERSISTENT FELONY OFFENDERS;
- (2) DANGEROUS OFFENDERS;
- (3) PROFESSIONAL CRIMINALS.

FOR PERSONS NOT FALLING WITHIN THE ABOVE THREE CATEGORIES, WE RECOMMEND THAT INCARCERATION IN A STATE CORRECTIONAL INSTITUTION BE UTILIZED ONLY AS A LAST RESORT, CONSISTENT WITH THE PROCEDURAL ASPECTS OF SENTENCING RECOMMENDED IN RECOMMENDATIONS #18, #23, #24, AND #25. AS GUIDELINES FOR CLASSIFYING TYPES OF OFFENDERS TO BE SENTENCED TO EXTENDED TERMS OF CONFINEMENT WE SPECIFICALLY ENDORSE THE DEFINITIONS CONTAINED IN STANDARD 5.3 OF THE REPORT ON CORRECTIONS OF THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS.

FOR NON-DANGEROUS AND DANGEROUS COMMITTED OFFENDERS WE RECOMMEND THAT THEY SERVE FLAT TIME, WITHIN THE ABOVE GUIDELINES, AND WITH CONTINUING AUTHORITY RESERVED TO THE TRIAL AND APPELLATE COURTS TO ALTER THE ORIGINAL SENTENCE BASED ON THE PRODUCTION OF EVIDENCE BEARING ON THE SENTENCING DECISION. WITH THE EVENTUAL IMPLEMENTATION OF THIS RECOMMENDATION, THE STATE PAROLE BOARD WOULD BE ABOLISHED.

FOR ALL ADULT OFFENDERS, WE RECOMMEND SENTENCING TO THE BUREAU OF CORRECTIONS RATHER THAN TO ANY PARTICULAR INSTITUTION OR PROGRAM, CONSISTENT WITH THE COURTS INTENTIONS AS ARTICULATED IN THE SENTENCING DECISION. (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that sentencing of criminal offenders should be a rational process aimed at the prevention of further criminal activity on the part of convicted persons, and aimed perhaps even more importantly at the equal imposition of just and easily understood sanctions on all those persons who willfully break the social contract. We believe also that criminal sentences should be grounded basically on the degree of danger posed statistically by certain categories of offenders to the community, and that those categories of offenders who do not pose such a serious threat to the community should be routed to largely non-institutional programs directed at eliminating the social factors encouraging crime in each offender's background.

With this in mind, we believe also that the present criminal sentencing structure in Maine makes very little sense. Judges continue to sentence convicted persons for extended terms to correctional institutions for "treatment" when no treatment programs exist in such institutions; determinate and indeterminate sentencing policies operate side by side in some Maine correctional facilities for substantially-similar offenses, often causing unjustifiably inequitable results; mandatory sentencing provisions are increasingly being tacked on to a variety of unrelated offenses by the Legislature, with no overall plan to assure that such actions are actually achieving their intended purposes; and through a combination of statutory minimum sentences, accumulated "good time", and the granting of parole for over 90% of all Maine offenders at the earliest possible opportunity, the Legislature and the courts have abdicated their responsibility to determine appropriate sanctions for individual criminal offenses to a variety of persons within the Executive Branch of government, and the result is that virtually nobody serves the amount of time authorized by the Legislature or commanded by the courts.

For example, nearly every citizen in the State of Maine believes that the crime of first degree murder carries a penalty of life imprisonment. What the citizenry does not know, however, is that a sentence of life imprisonment, operating with the other largely independent administrative elements of our correctional system, is determined for most persons as 11 years, 6 months, and 15 days. In addition, all of the conditions affecting sentencing within the judicial and correctional systems in Maine add up to the general situation that over 95% of all offenders in Maine serve terms of less than five years in the correctional system, and that although 23% of all offenders in Maine are sentenced to terms greater than five years, less than 5% of our inmate population actually serves terms of such duration.

These figures for time actually served by convicted persons in Maine, however, are squarely within the national averages for most offenses, and the Governor's Task Force on Corrections believes that the five year maximum limit apparently already operating informally within the state concerning non-violent crimes is just and reasonable. What we strongly object to, however, is the cumbersome, arbitrary, and almost publicly misleading manner in which such sentences are meted out; and to render our proposed sentencing structure both workable and honest, we are recommending basically that our present statutory maximums for most offenses be reduced to an amount of time corresponding more closely to what is actually served by most offenders presently within our correctional system, with room for logical realignment of sentence terms within the 5-year maximum, for minor offenders, according to the gravity of the particular offense.

Such a major effort at reforming sentencing policies will require extended professional guidance, and we look forward eagerly to the detailed recommendations of the Maine Criminal Law Revision Commission which will hopefully bring the details of our criminal statutes and the realities of the Maine correctional system closer together.

The extended-term sentence recommendations we have made above for chronic, violent, and professional criminals may seem harsh to some people, but considering the extraordinary danger that such few persons in Maine pose to the rest of society, we believe that such terms of incarceration are just often solely in terms of humane incapacitation of these types of offenders.

And finally, we believe above all else that the Judiciary and the Legislature are the most visible and the most appropriate branches of government ultimately to determine the amount of time to be served by rational categories of offenders within the correctional system, and everything we have recommended over the long term is consistent with this principle. We do this basically because we feel that the often unresponsive Executive branch of government should not be delegated overly broad power concerning the freedom of individuals, and that only in this way, also will the people and elected officials of Maine be forced eventually to deal logically with the real causes of crime and with the sometimes draconian character of present sentencing policies.

20. WE RECOMMEND THAT UNTIL THE SENTENCING REFORMS OF RECOMMENDATION #19 ARE EVENTUALLY APPROVED BY THE LEGISLATURE, THAT THE APPLICABILITY OF STATUTORY MINIMUM TERMS REQUIRED TO BE SERVED PRIOR TO ELIGIBILITY FOR PAROLE BE SUSPENDED AND THAT OFFENDERS SERVING DETERMINATE SENTENCES UNDER PRESENT STATUTES BE GIVEN THE OPTION TO ENTER INTO NEGOTIATED CONTRACTS WITH THE PAROLE BOARD, DISSOLVABLE BY THE OFFENDER, LEADING TO CERTAIN PAROLE UPON SUCCESSFUL COMPLETION OF THE CONTRACT.

IN ADDITION, FOR ALL ADULT OFFENDERS, WE RECOMMEND AS IN RECOMMENDATION #19 THAT ALL SENTENCING BE MADE SIMPLY TO THE BUREAU OF CORRECTIONS RATHER THAN TO ANY PARTICULAR INSTITUTION OR PROGRAM, CONSISTENT WITH THE COURTS INTENTIONS AS ARTICULATED IN THE SENTENCING DECISION. (LEGISLATIVE)

Comment:

This recommendation effects the creation of an optional indeterminate sentence within existing maximum sentence limitations for all persons presently serving determinate prison terms in Maine, while retaining all of the other present components of our traditional sentencing system. It allows for participation by offenders in present sentencing practices, and optional participation in a system of "contract parole", whereby individual offenders may be paroled by the Parole Board earlier in their maximum terms than is presently possible, if a formally agreed upon program of rehabilitation is provided by the correctional system and successfully completed by the offender.

The main advantages of such a system are that it achieves in a very simple manner many of the same substantive results of the proposals, regarding rationality of sentencing and reduction of total time spent in confinement by

most offenders, advocated by recommendation #19, without a wholesale and immediate recodification of the Maine criminal code. Because of the exceptional quality of the present Parole Board in Maine, moreover, it is likely that the recommendation above will have an immediate and beneficial impact on attempts to reintegrate larger percentages of our present inmate population more quickly into the community through utilization of the expanding pre-release and job training programs now becoming available both at the state and local community level.

21. WE RECOMMEND THAT THE CRIMINAL COURTS MORE FREQUENTLY UTILIZE EXISTING DISCRETIONARY POWER WITHIN PRESENT SENTENCING STATUTES TO IMPOSE 60-DAY "SHOCK SENTENCING" AT MAXIMUM AND MEDIUM SECURITY CORRECTIONAL FACILITIES, COUPLED WITH PROBATION, FOR PERSONS WHO WOULD OTHERWISE BE INCARCERATED FOR LONGER PERIODS OF TIME. (ADMINISTRATIVE)

Comment:

In rejecting the extended "rehabilitative" bias of past correctional programs in Maine, and to some extent at least adopting a more punishment-oriented sentencing policy for some offenders, the Governor's Task Force on Corrections wishes to point out that short-term incarceration at maximum security correctional facilities followed by probation is often very effective in deterring future criminal activity on the part of novice offenders, whereas statistically the imposition of larger and more expensive periods of incarceration for such offenders only increases the likelihood of continued criminal activity upon release.

National research and research undertaken by the Task Force indicates that after only a fairly short period of time (4 to 5 months on the average) the punishment value of simple incarceration for most inmates simply wears off, to be replaced by almost an acquisitive interest and pride in the passage of time, and a deepening personal identification with the criminal subculture. In short, after a very few months, prisons function very effectively as offender fraternal clubs and as graduate institutions of higher criminal learning, and for this reason alone extended incarceration beyond a few months for non-dangerous persons, as defined in recommendation #19, should be avoided if at all possible.

Short-term incarceration as punishment for largely inexperienced offenders, however, often works to deter future criminal activity on the part of such persons, if the time actually served in prison is long enough to acquaint the new inmate with the hardships of confinement and the risks of repeated crime, and yet not long enough for the establishment of a positive identification with prisons, prisoners, and their lifestyles.

Accordingly, we recommend that initial incarceration of inexperienced offenders, where incarceration is called for, be for short "shock" periods, in as many cases as possible, and that the courts use existing discretionary authority to impose short-term prison sentences in cases where such sentencing appears likely to be effective.

22. WE RECOMMEND THAT LEGISLATION BE ENACTED PROVIDING FOR BIENNIAL SENTENCING INSTITUTES FOR MAINE JUDGES, PROSECUTORS, AND OTHER CRIMINAL JUSTICE PERSONNEL TO: (1) PROVIDE CRIMINAL COURT JUDGES, AND LAW ENFORCEMENT, AND CORRECTIONAL PERSONNEL AN OPPORTUNITY OVER A PERIOD OF SEVERAL DAYS TO REEVALUATE PRESENT SENTENCING PRACTICES AND THEIR EFFECTS; (2) PROVIDE JUDGES WITH CURRENT INFORMATION REGARDING SENTENCING ALTERNATIVES AND THE RANGE OF AVAILABLE CORRECTIONAL PROGRAMS; (3) PROVIDE A FORUM FOR CONTINUING CRIMINAL CODE REVISION; AND (4) PROVIDE ENHANCED COMMUNICATION BETWEEN MAINE JUDGES AND CRIMINAL COURT JUDGES FROM FOREIGN JURISDICTIONS. SUCH SENTENCING INSTITUTES, INCLUDING RESIDENTIAL ARRANGEMENTS, SHOULD BE ORGANIZED PHYSICALLY WITHIN CORRECTIONAL INSTITUTIONS, AND ALL PERSONS INVITED SHOULD BE ABLE TO ATTEND WITHOUT PERSONAL COST. IN ADDITION, ATTENDANCE AT SUCH INSTITUTES SHOULD BE MADE MANDATORY FOR ALL JUDGES APPOINTED SINCE THE CONVENING OF THE PREVIOUS SENTENCING INSTITUTE. (LEGISLATIVE)

Comment:

Some judges in the State of Maine have never set foot within a correctional facility, and have very little idea of the types of correctional programs available or absent in particular state penal institutions. These same judges also have even less of an appreciation of the range of alternatives to simple incarceration now emerging within the state's correctional and human services systems.

With such an environment of sometimes simple judicial ignorance of present correctional programs, it is not suprising that within Maine correctional institutions there exist cases of arbitrary and inconsistent sentences for similar offenders, due in part to individual differences among sentencing judges, and their particular knowledge of the correctional system and the range of alternatives to incarceration available in this state. Unequal sentencing based in part on factually deficient decisions is, we believe, a breeding ground for further anti-social behavior, and such a situation over the long term does not serve the aims of either the criminal justice system, or society.

In an attempt to cure some of the most blatant inequities of the present sentencing system within the State of Maine we are proposing that state appropriations be approved to support periodic sentencing institutes, for judges and other persons associated with the criminal justice process, to be held physically within the walls of state correctional facilities. Such institutes have been successfully run on the federal level since 1958, and we believe that their introduction in Maine would prove very helpful in eliminating much of the needless ignorance in Maine concerning the appropriateness of particular types of sentences for offenders within our present correctional system.

23. WE RECOMMEND THAT FORMAL CONSIDERATION OF PRESENTENCE REPORTS BE REQUIRED AT THE TIME OF SENTENCING IN ALL CRIMINAL CASES IN MAINE WHERE THE OFFENDER IS A MINOR, IN ALL FELONY CONVICTIONS, AND IN ALL CASES WHERE THERE EXISTS A POSSIBILITY OF INCARCERATION OR SENTENCE TO THE BUREAU OF CORRECTIONS. WE ALSO RECOMMEND THAT STRICT ADMINISTRATIVE GUIDELINES BE IMPLEMENTED PREVENTING ACCESS BY THE TRIAL JUDGE TO ANY OF THE PRODUCTS OF THE PRESENTENCE INVESTIGATION UNTIL AN ULTIMATE DETERMINATION OF GUILT OR INNOCENCE HAS BEEN MADE IN THE CASE. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

When a convicted person appears before a judge for sentencing in Maine, typically the judge has not had the opportunity to consider the person's background and personal history, regardless of whether there was an actual trial in the case, unless a "presentence report" concerning the offender was prepared and submitted in the case. Presentence reports are not required for criminal convictions in Maine state courts, however, and often when a judge decides what particular correctional or rehabilitative program or facility is most appropriate for the particular offender facing him, he knows little beyond the offender's full name and the offense he has committed. Under such circumstances the possibility of arbitrary sentencing decisions occurring in state criminal courts is too obvious to ignore.

In calling for mandatory presentence investigations and reports in state criminal proceedings, the Task Force is not entering upon wholly unexplored territory. The federal courts in Maine have required presentence reports in the overwhelming percentage of their criminal convictions for some time as an aid to sentencing decisions, and the Bureau of Corrections has advocated the mandatory imposition of similar practices for state criminal courts.

The Governor's Task Force on Corrections believes, however, that with the expanding range of sentencing alternatives now being made available to sentencing judges in this state, the time is now especially appropriate finally to establish the mandatory consideration of presentence reports in most state criminal proceedings.

24. WE RECOMMEND THAT PRESENTENCE REPORTS UTILIZED IN CRIMINAL PROCEEDINGS BE PREPARED ACCORDING TO STANDARDIZED CRITERIA APPLICABLE TO ALL TRIAL COURTS IN MAINE, AND THAT THEY CONTAIN AS A MINIMUM THE FOLLOWING INFORMATION:

- (A) A SYNOPSIS OF THE OFFENSE CHARGED, A TRANSCRIPT OF THE TRIAL IF ANY, AND THE OFFENDER'S EXPLANATION FOR THE OFFENSE COMMITTED;
- (B) THE OFFENDER'S EDUCATIONAL BACKGROUND;
- (C) THE OFFENDER'S EMPLOYMENT BACKGROUND AND SKILLS, INCLUDING ANY MILITARY HISTORY;
- (D) AN ANALYSIS OF THE OFFENDER'S SOCIAL HISTORY, INCLUDING FAMILY RELATIONSHIPS, MARITAL STATUS, PERSONAL INTERESTS, AND SOCIAL WELFARE HISTORY IF ANY;
- (E) THE OFFENDER'S RESIDENCE HISTORY;
- (F) THE OFFENDER'S PSYCHOLOGICAL, PSYCHIATRIC, AND MEDICAL HISTORIES;
- (G) POSSIBLE PRIVATE COMMUNITY AFTERCARE ENVIRONMENTS EXISTING FOR THE OFFENDER;
- (H) A LISTING OF ALL APPROPRIATE AND AVAILABLE COMMUNITY-BASED PROGRAMS ACCESSIBLE TO THE OFFENDER, TOGETHER WITH A LISTING OF APPROPRIATE INSTITUTIONALLY-BASED TREATMENT PROGRAMS;
- (I) THE OFFENDER'S COMPLETE CRIMINAL HISTORY; AND
- (J) THE PERSONAL RECOMMENDATION OF THE AUTHOR OF THE PRESENTENCE REPORT AS TO FINAL DISPOSITION BY THE COURT. (ADMINISTRATIVE)

Comment:

Adequacy of the content of the presentence reports discussed in recommendation #23 is vital to the smooth functioning of the entire system, and we

have looked closely to the practical experience of the federal judicial system in this regard. Many of the items that we recommend be included in presentence reports in Maine are also easily available from this state's law enforcement and social welfare agencies, if relevant to the particular offender awaiting sentence by the court, and we believe that the entire process can be implemented easily if standardized procedures are quickly adopted.

Our listing of items to be included in presentence reports is supported by numerous national studies and is also patterned closely after Standard 5.14 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals.

25. WE RECOMMEND THAT THE CHIEF JUSTICE OF THE MAINE SUPREME JUDICIAL COURT AND THE CHIEF JUDGE OF THE MAINE DISTRICT COURT DIRECT THE SUPERIOR AND DISTRICT COURT SYSTEMS TO HOLD SEPARATE SENTENCING HEARINGS IN ALL CRIMINAL MATTERS. THE SENTENCE HEARING SHOULD MEET THE FOLLOWING CRITERIA:

- (A) THE CONVICTED OFFENDER AND HIS ATTORNEY SHOULD BE PRESENT;
- (B) A PRESENTENCE REPORT ON THE OFFENDER SHOULD BE CONSIDERED BY THE COURT ON THE RECORD;
- (C) THE OFFENDER THROUGH HIS COUNSEL SHOULD BE PERMITTED TO PRESENT WITNESSES IN HIS OWN BEHALF, SUBPOENA WITNESSES, EXAMINE THE PERSON WHO PREPARED THE PRESENTENCE REPORT, AND PRESENT ARGUMENTS AS TO SENTENCING ALTERNATIVES;
- (D) THE RULES OF EVIDENCE SHOULD BE RELAXED TO ADMIT ALL EVIDENCE THAT IS RELEVANT AND THAT WAS NOT OBTAINED IN VIOLATION OF THE OFFENDER'S CONSTITUTIONAL RIGHTS; AND
- (E) THE ENTIRE HEARING SHOULD BE CONSIDERED APART FROM THE STATE'S ORIGINAL CASE, AND THE BURDEN OF PROOF OF "BEYOND A REASONABLE DOUBT" SHOULD NOT BE ASSIGNED. (ADMINISTRATIVE)

Comment:

National research indicates that approximately 90% of all persons who are convicted of felonies each year in the United States plead guilty to the offense eventually charged. In simple terms, this means that around 90% of the persons currently residing in our correctional institutions have never had the benefit of a trial. In Maine, as we have seen under recommendation #23, persons appearing before state courts, also do not have the benefit of a presentence report.

Under the present sentencing environment in Maine courts, where judges often do not know on a day to day basis what institutional and community-based programs are available for individual offenders, and in an environment largely devoid of procedural due process safeguards, where often little is known about an offender or his background other than his name and the offense admitted, there exists an opportunity for truly arbitrary and wasteful sentencing decisions.

Accordingly, we are recommending that formal sentencing hearings, together with relaxed rules of evidence and the consideration of an adequate pre-sentence report, be made a part of each criminal case for which a conviction is gained in this state. Such hearings along with the use of externally-prepared presentence reports have been a part of the federal judicial system for some time, and we believe that the principles already in operation in that system should now be applied to sentencing decisions in Maine courts.

26. WE RECOMMEND THAT THE MAINE BAR ASSOCIATION, THE MAINE TRIAL COURT REVISION COMMISSION, AND MAINE'S CRIMINAL COURT SYSTEM COOPERATIVELY IMPLEMENT MANDATORY GUIDELINES FOR THE ASSIGNMENT OF COUNSEL IN CRIMINAL CASES, DESIGNED TO ASSURE ADEQUACY OF COUNSEL BEYOND MERE REPRESENTATION FOR ACCUSED AND CONVICTED PERSONS AT ALL REQUIRED STAGES OF THE CRIMINAL JUSTICE PROCESS.
(ADMINISTRATIVE)

Comment:

Although not an issue which is directly within our charge, the issue of professional inadequacy of assigned counsel in all criminal proceedings is a recurrent complaint of the Chief Justice of the United States Supreme Court, and a recurrent complaint also of inmates incarcerated in correctional institutions throughout the State of Maine. Complaints of inadequate prior preparation for trial, and attorney pressure to plead guilty to lesser charges are too prevalent within Maine correctional institutions to be overlooked. According to law enforcement officers interviewed by the Task Force, some local county bar associations have recognized this problem in Maine and are taking action on their own account to assure that in all cases only counsel thoroughly experienced in criminal matters are assigned to represent persons in major criminal proceedings. In addition, local bar associations, in cooperation with the courts, are assuring that such criminal matters are not assigned to obviously incompetent and irresponsible counsel.

Our recommendation is for the Maine Bar Association, the courts, and the Governor's Trial Court Revision Commission cooperatively to implement statewide measures as soon as possible remedying the inadequacies of our present system of "assigned" legal representation in all criminal matters.

27. WE RECOMMEND THAT LEGISLATION BE ENACTED ALLOWING THE COURT, WITH THE CONSENT OF THE ACCUSED, TO TRANSFER INTERIM DISPOSITION OF JUVENILE AND MINOR ADULT OFFENSES TO A SYSTEM OF "COMMUNITY ARBITRATION COUNCILS" LOCATED IN THE LOCAL COMMUNITIES OF CHARGED OFFENDERS. LOCAL ARBITRATION COUNCILS ARE TO BE POPULARLY ELECTED ACCORDING TO GEOGRAPHICAL REGIONS IN THE COMMUNITY, AND UNDER ARBITRATION ARRANGEMENTS THE ORIGINAL COURT SHALL RETAIN JURISDICTION AND HOLD CRIMINAL PROCESSING IN ABEYANCE UNTIL THE ACCUSED REQUESTS THAT PROCESSING CONTINUE, OR UNTIL THE LOCAL ARBITRATION COUNCIL REQUESTS DISMISSAL OF THE CRIMINAL CHARGES. (LEGISLATIVE)

Comment:

Diversion of adult offenders from the correctional system is needed as desperately as is diversion of juvenile offenders. A necessary element in any such scheme of diversion, however, is community responsibility for alternative sanctions, restitution if applicable, and ultimate disposition of the criminal charges.

Local community arbitration panels have been operating successfully as part of diversionary programs for juvenile offenders in urban areas of the United States for some time. Our recommendation is simply to permit the same kind of alternative disposition for lesser adult offenders under combined arbitration councils with the consent of the accused juvenile or adult in question and the responsible criminal court. Such community panels have been successfully

operating for some time in low-income neighborhoods of California, Illinois, New York and Puerto Rico, and their use is discussed favorably within Chapter 3 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals.

28. WE RECOMMEND THAT THE LARGELY SUPERVISORY CHARACTER OF PROBATION BE REDUCED, THAT MECHANICALLY-IMPOSED CONDITIONS OF PROBATION BE ELIMINATED, AND THAT PROBATIONARY SERVICES IN MAINE BE REORIENTED SUBSTANTIALLY TOWARD THE PROVISION OF LOCAL SOCIAL SERVICES FOR OFFENDERS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE PRESIDING JUDGE AND THE FORMAL PRESENTENCE INVESTIGATION SUBMITTED IN EACH CRIMINAL CASE. (ADMINISTRATIVE)

Comment:

The Governor's Task Force on Corrections believes it is unreasonable and unenforceable to require probationers to disassociate with persons of "bad character", abstain from alcoholic substances, and to pattern their nocturnal activities by arbitrary curfews. In this opinion we are supported by the evidence of national studies and the opinion of some administrators of Maine's Division of Probation and Parole to the effect that rarely, if ever, does close supervision of probationers correlate with the deterrence of further criminal activity on the part of the person being supervised. Because of present caseloads and other administrative factors in Maine, however, supervision is the predominant service being supplied to probationers in this state.

Given this situation, we believe that fairly fundamental changes are in order, including elimination of the supervisory function of probation officers (similar to that which we are advocating for parole in recommendation #88), in all but those cases involving the most potentially dangerous of offenders. Through this basic reorientation of probationary services we expect to free up most present probation officers for the future location and provision of specific community social services to probationers. Probation officers, in their new roles, would serve almost exclusively as links between the offender and local community services prescribed by the court and the agencies involved in presenting the presentence reports on the offender in each criminal case. In this way, we believe that the time of the probation officer and the time of the offender will be used more efficiently in obtaining the types of services which are more likely to reduce the causes of further crime committed by persons who have come to the attention of the courts.

29. WE RECOMMEND THAT THE USE OF VOLUNTEERS WITH PROBATIONERS BE EXPANDED TO INCLUDE ONGOING VOLUNTEER PROGRAMS BASED IN EACH PROBATION/PAROLE DISTRICT AND COORDINATED BY THE CORRECTIONAL VOLUNTEER SERVICE AGENCY PROPOSED IN RECOMMENDATION #84 OF THIS REPORT. VOLUNTEERS SPECIALIZING IN THE AREA OF PROBATION SHOULD BE RECRUITED WITH THE OBJECTIVE OF PROVIDING ASSISTANCE TO THE PROBATIONER THROUGH EDUCATIONAL TUTORING, EMPLOYMENT ASSISTANCE, RECREATIONAL COMPANIONSHIP, AND PERSONAL COUNSELING. (ADMINISTRATIVE)

Comment:

The increased use of volunteers in all phases of the correctional process is recommended at various points throughout this report. It is sufficient to

state now that we believe appropriately-trained volunteers can make a significant impact on the lives of younger offenders and persons released on probation by the criminal and juvenile courts.

In addition to recruiting private citizens as volunteers for probationers on a one to one basis, several states are also experimenting on a large scale with the utilization of local government employees and university students as specialized volunteers, tutors, and companions. The City of Los Angeles Fire Department provides recreational companionship and personal counseling to probationers in the California system, and the Phillips Brooks society at Harvard University has been supplying large numbers of university students to the Massachusetts correctional system for years.

We believe that similar expanded volunteer efforts in probation and at other levels of the correctional process can be initiated successfully in Maine, and we urge the Bureau of Corrections immediately to accelerate the development of such programs.

RESTITUTION AS AN ALTERNATIVE TO INCARCERATION

30. WE RECOMMEND THE ESTABLISHMENT OF A JUDICIALLY-ADMINISTERED SYSTEM PROVIDING COMPENSATION FOR THE VICTIMS OF CRIME, HAVING AS AN ELEMENT SPECIFIC RESTITUTION BY CONVICTED PERSONS TO THEIR VICTIMS, OR WHERE THIS IS IMPRACTICAL COMPENSATION FROM A GENERAL STATE FUND, WITH THE ORIGINAL SENTENCING COURT RETAINING JURISDICTION OVER PARTIES TO THE CASE UNTIL RESTITUTION HAS BEEN ACCOMPLISHED. IN ESTABLISHING SUCH A SYSTEM UNDER THE JUDICIARY, WE RECOMMEND THAT IT BE USED BOTH AS AN ALTERNATIVE TO INCARCERATION IN SOME CASES, AND AS AN ADJUNCT TO INCARCERATION, WHERE FEASIBLE AND FAIR, IN OTHERS.

SPECIFICALLY, WE RECOMMEND, AS AN ALTERNATIVE TO INCARCERATION, GREATER UTILIZATION BY THE COURTS OF 34 M.R.S.A. §1631 (I) (A), ALLOWING THE IMPOSITION OF RESTITUTION AS A CONDITION OF PROBATION FOR PERSONS CONVICTED OF AN OFFENSE WHICH HAS CAUSED DAMAGES TO ANOTHER AND FOR WHICH CIVIL LIABILITY HAS BEEN ESTABLISHED OR ADMITTED.

IN ADDITION, WE RECOMMEND THE ENACTMENT OF FURTHER LEGISLATION DESIGNED TO ALLOW THE COURTS TO REQUIRE FULL OR PARTIAL RESTITUTION FROM PERSONS ACTUALLY TO BE CONFINED FOR COMMISSION OF OFFENSES CAUSING CIVIL DAMAGES TO VICTIMS SUCH AS THOSE OUTLINED ABOVE. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Restitution to the victims of crime is an extremely complicated subject. The Governor's Task Force on Corrections believes, however, that more must be done in Maine both to utilize restitution and probation as an alternative to incarceration, and to assure that the victims of crime are at least in part compensated for the damages they experience.

First, we recommend much greater utilization by the courts of 34 M.R.S.A. §1631 (I) (A) allowing restitution, by the offender to the victim, of the civil damages of crime as a condition of probation. In 1971, the Legislature removed the \$100 damage limit formerly attached to the statute and we believe that the clear intent of the Legislature was to encourage use of the section by the

courts as an alternative to confinement in a greater number of cases, where incarceration would serve no useful purpose.

Secondly, where it proves impractical to arrange restitution in a criminal offense on a one to one basis, we recommend that a dedicated fund be created by the state to compensate victims at least partially for the often catastrophic financial effects of criminal action against them.

We wish to emphasize that we are not recommending here that the state criminal courts be turned into arenas for the debate of the degree of civil liability in a variety of criminal actions, nor are we recommending that monetary restitution to victims replace the state's interest in felony sentencing. We are concerned, however, that the victims of crime often needlessly go uncompensated, in major and minor offenses, where the damages caused by criminal action are easily calculable and where the payment of such damages to the victim is practical under the circumstances.

Specifically, we recommend that for relatively minor offenses restitution be used as an alternative to incarceration in the discretion of the court. And for all other offenses, we recommend that restitution be attempted if damages are easily calculable, and that it be used as an alternative to incarceration where profit motive on the part of the offender was not the dominant factor in inducing the offense.

The states of Minnesota, California, Washington, Alaska, Hawaii, Maryland, Massachusetts, New Jersey, and New York have recently established successful programs of restitution by offenders to the victims of crime, and we recommend that the establishment of such a program in Maine be patterned closely after the experiences of these jurisdictions.

31. WE RECOMMEND, IN CASES WHERE MONETARY RESTITUTION TO A VICTIM IS INAPPROPRIATE, AND IN CASES WHERE REGULATORY OFFENSES ARE COMMITTED AGAINST THE STATE, THAT MAINE'S CRIMINAL COURTS MORE FREQUENTLY UTILIZE THE PERFORMANCE OF RELATED "PUBLIC SERVICE" ACTIVITIES BY THE OFFENDER AS AN ALTERNATIVE TO INCARCERATION, AND THAT COMPLETION OF SUCH A TERM OF PUBLIC SERVICE BE CONSIDERED COMPLETE RESTITUTION FOR THE OFFENSE COMMITTED. (ADMINISTRATIVE)

Comment:

Incarceration for several classes of offenders often serves no useful purpose when the offense committed is a regulatory offense against the state, or a minor offense causing severe damages to an unexpected victim. In such cases, judges throughout the nation have been experimenting with more rational and negotiated sentencing responses to criminal action, often ignoring entirely the statutorily authorized prison term.

For example, in Miami, Florida an offender convicted of vehicular manslaughter in June 1974 agreed to the sentencing judge's suggestion that the offender create an educational trust fund for the victim's children as an alternative to a prison term. Also, in a midwestern city recently, an owner of an abandoned freezer in which a child suffocated was convicted of negligent homicide and sentenced to locate a finite number of similarly abandoned freezers throughout the city's slums and to assist the public works department in removing them.

Other examples of "public service" sentencing include mandatory community repair projects for vandals, simple terms of related public service labor in the community for local offenses, and arrangements similar to the well-known two-year term of public employment formerly available as an alternative to incarceration for objectors under the Selective Service System.

With juvenile and adult drug-related offenses clearly on the increase in Maine, we believe it is increasingly sensible to explore more creative methods of sentencing persons convicted of such offenses, and we urge that the courts make greater use of existing statutory authority to impose such sentences as alternatives to conventional terms within Maine's correctional system.

CHAPTER II

GOVERNOR'S TASK FORCE ON CORRECTIONS

STATEMENT OF POLICY

Subcommittee on Institutional Reform

Deinstitutionalization of Correctional Inmate Population

It is the opinion of the Governor's Task Force on Corrections that centralized correctional institutions insulated from an offender's former community and family relationships constitute artificial and unnecessarily repressive environments more conducive to further production of heightened criminal attitudes and skills than the furtherance of attitudes and skills designed to integrate the former felon safely back into society. For this reason it is our firm policy that no additional centralized correctional facilities be established in this state, and that the inmate populations of our present facilities be dispersed as much as possible, consistent with the public safety, to community-based correctional programs and facilities operating in close proximity to an offender's former community or new location of academic or employment opportunities.

In recommending such a substantial emphasis on community-based correctional treatment in Maine, the Task Force is mindful of the fact that there will always remain some small fraction of our offender population which must be confined in a maximum security environment for the protection of society as a whole. We believe, however, that it is needlessly wasteful of both public resources and human lives to confine large portions of our entire offender population in such environments when it is evident that institutional security practices are often designed largely for the most dangerous of inmates, and that such security measures often hinder the types of remedial and skill programs required to successfully reintegrate offenders into society.

Participation by Inmates in the Corrective Process

Secondly, the Governor's Task Force believes that to the greatest extent practicable inmates of correctional institutions should become involved with correctional officials in designing their own program of individualized retraining and reintegration into the community based on the reasonable requirements and expectations of the non-institutional society. Toward this end, we believe that Maine correctional institutions must greatly expand their vocational and academic program capabilities to the point where it would be reasonable to sanction mutually planned retraining agreements between correctional officials and offenders leading to a certain parole and appropriate occupational placement.

Placing Remaining Institutions on a Self-Sustaining Basis

Thirdly, given a continuing commitment to greater emphasis at all Maine correctional facilities toward practical and realistic academic and vocational reintegration programs, we see no logical reason why such adult facilities and

programs could not become largely self-supporting and productive elements of our larger society. Offenders should be trained and employed in skilled trades of their own choice at every correctional facility, and should be paid equitably for their efforts according to the value of the work produced. Such programs, beyond forming the backbone of correctional facilities oriented toward offender reintegration into society, could realistically provide the means to help support correctional facilities, and the dependents of inmate residents of those facilities, while providing also the financial resources to compensate the victims of crime.

Providing Juveniles the Skills to Cope Independently in Society

Fourth, our juvenile institutions must be re-oriented toward the ideal of providing the level of academic and social skills required by the community of all young people necessary for independent functioning and successful competition in society. This is done mindful of the fact that many residents of juvenile institutions are direct products of social problems; that they often cannot and should not return to their former environments; and that perhaps the most humane service that can be accomplished for such persons is to equip them adequately to operate independently in the larger society. Specifically toward this end, juvenile institutions should provide as natural and non-punitive an environment as possible together with co-educational academic and social programs designed to encourage non-stigmatized development of the child or adolescent concerned.

Expansion of Democratic Processes in Remaining Institutions

And lastly, we believe that only through the encouragement of greater democratic functions in all aspects of institutional life will the residents of such institutions become competent to administer their own affairs once removed from the often debilitatingly supportive institutional framework. Greater freedom of thought, speech, and expression by all offenders at all institutions is vital to such a process, and is vital also to the effectiveness of those institutions charged with assisting such persons in their preparation to reenter a politically diverse society.

CHAPTER II

GOVERNOR'S TASK FORCE ON CORRECTIONS

Subcommittee on Institutional Reform

COUNTY JAILS

32. WE RECOMMEND THAT THE OFFICE OF THE GOVERNOR IMMEDIATELY SEEK FEDERAL FUNDING FOR THE PILOT-PROJECT IMPLEMENTATION OF A SYSTEM OF "JAIL INTAKE OFFICERS" RESPONSIBLE TO THE JUDICIARY, LOCATED AT SEVERAL SELECTED COUNTY JAILS AND LARGER MUNICIPAL LOCKUPS, AND CHARGED WITH DIVERTING AT THE PRE-TRIAL LEVEL AS MANY ACCUSED PERSONS AS POSSIBLE, CONSISTENT WITH THE PUBLIC SAFETY, FROM THE CRIMINAL JUSTICE AND CORRECTIONAL SYSTEMS TO ALTERNATIVE NON-CUSTODIAL AND COMMUNITY BASED ASSISTANCE PROGRAMS.

SPECIFICALLY, FOR MISDEMEANOR OFFENSES, THE JAIL INTAKE OFFICER SHALL HAVE AUTHORITY TO IMMEDIATELY RELEASE THE DETAINEE ON HIS OWN RECOGNIZANCE, PENDING A RECOMMENDATION TO THE COURT FOR DISMISSAL OR OTHER ACTION ON THE CHARGES.

FOR MORE SERIOUS OFFENSES, THE JAIL INTAKE OFFICER SHALL HAVE THE AUTHORITY AT THE TIME OF ARRAIGNMENT, WITH THE CONSENT OF THE DETAINEE, TO SEEK FROM THE PROSECUTING ATTORNEY AND THE COURT ALTERNATIVE 90-DAY PLACEMENT FOR THE DETAINEE IN COMMUNITY-BASED COUNSELING, EDUCATIONAL, AND EMPLOYMENT PROGRAMS, AND TO SEEK CONTINUANCE OF THE PROCESSING OF THE CASE UNTIL COMPLETION OF THE PROGRAM, AT WHICH POINT DISMISSAL OF ALL CHARGES IS POSSIBLE. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Pre-trial diversion of certain types of adult and juvenile offenders from the correctional system has long been lacking in organized form within the State of Maine. Task Force investigation indicates that several county jails do in fact initially place selected detainees in local hospitals, psychiatric observation wards, and other diagnostic facilities, but that the persons so placed fall largely within the categories of alcoholics, physically injured persons, persons under the influence of drugs, persons exhibiting abnormal psychological behavior, and persons who are obviously mentally retarded. Juveniles as a group, sex offenders, and participants in victimless crimes, however, are ordinarily not considered for such alternative processing, and in reality the informal diversionary practices actually in effect usually only provide short-term diagnostic services to local police and sheriffs' departments, and no permanent diversion from the correctional system is effected in most cases.

What we are recommending is the establishment of an experimental court-administered pilot program (consistent with our separate recommendation regarding juveniles in recommendation #7), tied to the larger county jails and municipal lockups and charged with diverting as many persons as possible from the

correctional process at the pre-trial stage, based not necessarily on the offense charged, but on the offender's real danger to society.

Such projects have been funded with consistent success in Des Moines, Iowa; New York City; Jacksonville, Florida; New Haven, Connecticut; Washington, D.C.; Los Angeles, California; and other localities, both urban and rural, and the concept as a whole is strongly recommended by Chapter 3 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals.

33. WE RECOMMEND THAT 34 M.R.S.A. §3 BE AMENDED TO CLARIFY THE DIVISION OF ADMINISTRATIVE AUTHORITY OVER COUNTY JAILS IN MAINE, CONSISTENT WITH THE FOLLOWING OVERRIDING POLICIES: (1) THAT THE STATE HAVE PRIMARY RESPONSIBILITY TO OVERSEE CUSTODIAL REQUIREMENTS AND CONDITIONS IN THE EXISTING COUNTY JAIL SYSTEM; (2) THAT THE LOCAL COMMUNITY SHALL HAVE PRIMARY AUTHORITY FOR THE CONTENT OF REHABILITATIVE PROGRAMS FOR THE INMATE POPULATION; (3) THAT THE STATE, IN COOPERATION WITH THE MAINE CRIMINAL JUSTICE ACADEMY, SHALL ESTABLISH AND ENFORCE MANDATORY MINIMUM STANDARDS AND CERTIFICATION REQUIREMENTS FOR COUNTY CORRECTIONAL EMPLOYEES; (4) THAT THERE IS ESTABLISHED A SYSTEM OF CIVIL SERVICE FOR ALL COUNTY CORRECTIONAL EMPLOYEES, OTHER THAN THE SHERIFF AND HIS CHIEF DEPUTY; AND (5) THAT COUNTY JAILS EVENTUALLY BE USED ONLY TO HOUSE AND PROVIDE SOCIAL SERVICES TO PRE-TRIAL DETAINEES. (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes very strongly that, based on a large amount of objective evidence from national studies and from the correctional systems of other states, the highest degree of success when dealing with persons in trouble with the law is to be expected at the local level, in programs administered by local people under elected officials. We specifically reject, therefore, any immediate takeover by the state of the administration or programs of our existing county jail system. What we do propose, however, consistent with other recommendations in this report, is a clear division of authority between the custodial and reintegrative functions of local corrections, with the state assuming tight controls over existing living conditions and custodial standards in the county jails, and the local communities assuming almost total control over the types and character of programs being run for inmates out of such local facilities.

In addition, we are proposing an immediate upgrading of minimal standards for county correctional employees, with mandatory certification of such persons by the Maine Criminal Justice Academy, and a general depoliticizing of county correctional jobs through the establishment of a civil service system for all county correctional employees other than the Sheriff himself, and his chief deputy.

And finally, we recommend that, as the alternative state "area center" facilities and other programs proposed by the Batten, Batten study are actually established, Maine county jails be used only to house and to provide services to persons awaiting trial, and that all convicted persons be transferred immediately through the Bureau of Corrections to an appropriate correctional facility, area center, or community-based program. Based on the characteristics of our present statewide county jail population, this last recommendation would effect an approximate 25-30% drop in the county jail populations of the various counties in Maine as the Batten, Batten study is implemented.

34. WE RECOMMEND THAT ARTICLE IX. SECTION 10 OF THE MAINE CONSTITUTION BE AMENDED TO ESTABLISH THE TERM OF COUNTY SHERIFFS AS FOUR YEARS INSTEAD OF THE PRESENT TWO-YEAR TERM. (LEGISLATIVE)

Comment:

The present two-year term of office for county sheriffs in Maine was established in 1856 in the context of a 19th century rural Maine society where sheriffs were expected to be little more than part-time turnkeys and full-time politicians. In more recent times, however, Maine sheriffs, especially in the more urban areas of our state, have become highly-skilled and professionalized local correctional officials.

In part because of the higher degree of professionalism emerging at the county sheriff level, the Governor's Task Force believes that a term of office longer than that which presently exists is necessary to allow county sheriffs coming into office adequate opportunity to develop, free from short-term political pressures, the new range of short duration correctional programs so badly needed at the local level. In addition, we believe that in the short term, strengthening the position of the county sheriff as a correctional specialist at the community level will ease the way toward the development of truly community-based corrections in this state, and will pave the way logically toward the further development of regional law enforcement and correctional programs directly responsible to the local electorate.

35. WE RECOMMEND THAT THE SHERIFF IN EACH COUNTY BE AUTHORIZED TO GRANT RELEASE ON PERSONAL RECOGNIZANCE OR FURLOUGHS OF REASONABLE DURATION TO INMATES IN RESIDENCE AT HIS FACILITIES FOR THE PURPOSES OF VISITING A DYING SPOUSE OR RELATIVE, ATTENDING THE FUNERAL OF A CLOSE RELATIVE, OR FOR OTHER REASONS CONSISTENT WITH THE WELL-BEING OR REHABILITATION OF THE INMATE. (LEGISLATIVE)

Comment:

With the development of county jails less as purely custodial institutions, and more as local detention facilities connected with a variety of local and area center community programs, it will become necessary to give local sheriffs a freer hand in allowing persons in residence at their facilities greater opportunity to participate in such programs. The above recommendation for statutory authorization of short-term county jail "furloughs" and release on personal recognizance is designed to give sheriffs this discretionary power concerning inmate access to community programs or activities deemed consistent with the rehabilitation of their prisoners, and the language of the recommendation suggested follows closely that of the present Bureau of Corrections furlough law.

36. WE RECOMMEND THAT THE ATTORNEY GENERAL ASSEMBLE IN PAMPHLET FORM, BY JANUARY 1, 1975, A COMPREHENSIVE COMPILATION OF THE LEGAL RIGHTS AND ALTERNATIVES OF SENTENCED PRISONERS AND PRE-TRIAL DETAINEES IN MAINE COUNTY JAILS AND MUNICIPAL LOCKUPS AND THAT SUCH PUBLICATIONS BE UPDATED SEMI-ANNUALLY, AND MADE AVAILABLE TO COUNTY JAILS AND MUNICIPAL LOCKUPS FOR LOCAL DISTRIBUTION TO ALL ARRESTED PERSONS UPON THEIR INITIAL PROCESSING AT SUCH FACILITIES. (ADMINISTRATIVE)

Comment:

Presently, little information concerning the legal rights of accused persons, beyond perfunctory Miranda recitations, is given to persons upon their arrest and initial processing at a county jail or municipal holding facility, and as a practical matter little more can be expected of harried and often nonprofessional jail intake personnel. Consequently there exists a wide variance in the amount and accuracy of legal information given to sometimes bewildered and frightened persons upon their initial confinement.

In order to reduce needless anxiety among persons recently admitted to a jail facility, and in order to assist such persons practically in asserting their legal options under the situation to the fullest extent possible, it is suggested that the State assume responsibility for the preparation and dissemination of current and standardized compilations of the basic legal rights of accused persons being held in such facilities. It is contemplated that such pamphlets simply be handed to a detainee upon his first contact with the jail intake officer, and that such pamphlets be attached to a copy of the printed rules and regulations of the facility and given routinely to the detainee if it is determined actually to hold him in residence at the facility for any length of time.

37. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS BE DIRECTED BY THE GOVERNOR TO REDRAFT, BY JANUARY 1, 1975, ITS STANDARDS CONCERNING THE ADMINISTRATION OF COUNTY JAILS TOWARD THE END OF FACILITATING AS MUCH AS POSSIBLE COUNTY COMPLIANCE WITH THE VARIETY OF SPECIFIC STANDARDS ENUMERATED IN CHAPTER 9 OF THE REPORT ON CORRECTIONS, OF THE NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS. (ADMINISTRATIVE)

Comment:

As discussed previously, 34 M.R.S.A. §3 authorizes the Bureau of Corrections to establish and enforce reasonable health and safety standards at all of the state's county jails. Under recommendation #38 we are recommending also that the Bureau of Corrections be empowered to enforce these same standards for municipal lockups. The present jail standards in effect at the Bureau of Corrections, however, were adopted initially in 1967, and are presently badly out of date. There were four suicides in Maine county jails and municipal lockups during 1973, and at the date this report went to press there had already occurred one more suicide at such facilities in 1974. The Governor's Task Force on Corrections believes that substandard jail conditions, past fragmentation of regulatory authority, and laxity of enforcement over such conditions have been contributing factors to such occurrences, and we cannot recommend strongly enough now that something be done immediately to prevent the needless recurrence of such tragedies.

The Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals has devoted a significant amount of research to the remedying of substandard jail conditions, and we ask that Maine's standards be brought into line with these national recommendations by January 1, 1975.

38. WE RECOMMEND THAT 34 M.R.S.A. §3 BE AMENDED TO INCLUDE WITHIN THE REGULATORY AUTHORITY OF THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS THE SAME AUTHORITY TO INSPECT AND SET MINIMUM CUSTODIAL STANDARDS FOR MUNICIPAL

LOCKUPS AS THAT PRESENTLY EXISTING WITH THE DEPARTMENT REGARDING COUNTY JAILS.
(LEGISLATIVE)

Comment:

34 M.R.S.A. §3 empowers the Bureau of Corrections to enforce minimum health and safety standards at all of Maine's county jails, but gives the Bureau no power whatsoever to enforce such minimum standards at any of the state's approximately 70 municipal lockups. With county jails and municipal lockups being used interchangeably in some instances in Maine as temporary holding facilities for pre-trial detainees, it makes no sense to allow the state to enforce minimum living conditions and security requirements at one facility, but not at the other.

39. WE RECOMMEND THAT THE MAINE DEPARTMENT OF HEALTH AND WELFARE BE IMMEDIATELY DIRECTED TO EXPLORE THE POSSIBILITY, WITHIN EXISTING RESOURCES, OF DESIGNATING AT LEAST ONE PRESENT SOCIAL WORKER OR VOCATIONAL REHABILITATION COUNSELOR FOR EACH COUNTY IN MAINE TO BE EMPLOYED LARGELY FULL-TIME WITH THE LOCAL COUNTY JAIL AS A "SOCIAL SERVICES REFERRAL ASSISTANT" AND JOB DEVELOPER FOR THE RESIDENT INMATE POPULATION, AND THAT THE 107TH LEGISLATURE BE ASKED TO APPROVE FUNDING WITHIN THE DEPARTMENT OF HEALTH AND WELFARE TO PROVIDE FOR THE ESTABLISHMENT OF AN ON-GOING PROGRAM OF FULL-TIME COUNTY-BASED AND REGIONAL SOCIAL SERVICE REFERRAL WORKERS TO WORK EXCLUSIVELY WITH COUNTY JAIL INMATES.
(ADMINISTRATIVE) (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that crime is a social phenomenon, with largely environmental, social and psychological root causes. While in the long term, social change will be required almost assuredly to reduce crime significantly, in the short term remedial state action in providing social services to convicted persons can do a great deal toward assisting those persons who have already been caught up in the criminal process. Within the Maine correctional system, moreover, perhaps no populational cross-section exhibits a greater need for occupational therapy and social services of all kinds than chronic inmates of county jails. Historically, however, inmates of county jails have been largely ignored by state agencies providing these services, until the actual moment of release from confinement. The services then provided by the state often have proved "too little and too late", and it has been usually only a short period before the ex-inmate or some member of his immediate family takes up residence within the jail facility, at county expense, once again.

This truly deplorable situation, can be remedied only through the initiation of an intensive effort aimed at providing direct social services to jail inmates and their families prior to release from confinement, and to assure through follow-up services that such persons do not return unnecessarily to jail. Specifically, our recommendation is to locate a present state-supported social services worker at each county jail in Maine to assist jail inmates in becoming accepted in state and federal vocational and educational assistance programs, to refer such inmates or members of their families to state adult or child protective services, and eventually to assist such jail inmates in locating adequate housing and an adequate job in the community upon release.

EXPANSION OF STATE INSTITUTIONALLY-BASED

JOB TRAINING AND EDUCATIONAL PROGRAMS

40. WE RECOMMEND IMPLEMENTATION OF A PHASED PLAN PROVIDING WAGE COMPENSATION AND PROFIT SHARING CONNECTED TO COMMERCIALLY-PRODUCTIVE AND CUSTODIAL INMATE LABOR PERFORMED AT ADULT CORRECTIONAL INSTITUTIONS, ON THE BASIS OF A REGULAR 40-HOUR WORK WEEK, TOWARD THE ENDS OF: (1) CREATING FUNDS TO MAKE POSSIBLE RESTITUTION TO THE VICTIMS OF CRIME; (2) PROVIDING FUNDS FOR THE SUPPORT OF FAMILIES OF INMATES; (3) PROVIDING PRACTICAL JOB TRAINING EXPERIENCE; AND (4) MAKING OUR ADULT INSTITUTIONS LESS TOTALLY DEPENDENT ON STATE FUNDING FOR OPERATIONAL PURPOSES. IN ORDER TO ACCOMPLISH THIS, WE RECOMMEND THAT PARTIAL COMPENSATION OF INSTITUTIONAL INMATE LABOR BE INSTITUTED BY THE MAINE STATE PRISON DURING FISCAL YEAR 1975 WITH FEDERAL ASSISTANCE, AND THAT AS SOON AS NECESSARY LEGISLATION CAN BE APPROVED, ALL INSTITUTIONAL INMATE LABOR IN MAINE THAT IS OF ECONOMIC BENEFIT TO ANY CORRECTIONAL OR PUBLIC OR PRIVATE ENTITY BE COMPENSATED AT LEAST AT THE STATE MINIMUM WAGE OR AT RATES REPRESENTING THE PREVAILING WAGE FOR WORK OF THE SAME TYPE IN THE VICINITY OF THE CORRECTIONAL FACILITY.

IN ADDITION, WE RECOMMEND THAT PRISON INDUSTRIES BE ORGANIZED AS MUCH AS POSSIBLE ALONG LINES DESIGNED TO TAILOR PRISON WORK ASSIGNMENTS TO OFFENDERS' OCCUPATIONAL NEEDS AND TO THE CHANGING NEEDS OF POTENTIAL EMPLOYERS IN THE PRIVATE BUSINESS SECTOR; AND SPECIFICALLY: (1) THAT CORRECTIONAL PERSONNEL AND INDIVIDUAL OFFENDERS TOGETHER DETERMINE ANY INSTITUTIONAL WORK ASSIGNMENTS FOR THE OFFENDER BASED ON THE OFFENDER'S PERSONAL INTERESTS, CAPABILITIES, AND EVENTUAL COMMUNITY JOB GOAL; (2) THAT NON-PRODUCTIVE INSTITUTIONAL WORK ASSIGNMENTS BE MADE AVAILABLE ONLY TO THOSE INMATES WHO BASICALLY DO NOT REQUIRE INTENSIVE DEVELOPMENT OF MARKETABLE JOB SKILLS; AND (3) THAT INMATE PARTICIPATION IN ANY PRISON INDUSTRY ASSIGNMENT BE TIED AS MUCH AS POSSIBLE TO ACTUAL PLACEMENT OF THE INMATE IN A CLOSELY RELATED PERMANENT JOB IN THE OUTSIDE COMMUNITY. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Institutional job training and placement programs at Maine correctional facilities are operating substantially below capacity. Few programs offering truly beneficial classroom or practical job training experience to correctional inmates exist in the first place, and some of the programs which do exist train inmates in partially non-transferable skills such as the manufacture of license plates and road signs.

In addition, Maine is one of only six remaining states in the nation which presently do not compensate inmate labor employed in such "prison industries" and manufacturing programs, and in fact the only source of income available to Maine State Prison inmates at the present time is from the sale of novelty items and souvenirs, handcrafted by individual inmates on their own time and offered to the public at the prison store. Those industries which do exist at the prison provide little concentrated job training for prison inmates, and although 65% of the inmate population is formally assigned to some industry program, many of the programs such as the commercial printing operation are severely underutilized. In fact, until very recently the curious selection of industries operating at the prison seemed geared more to a local antique industry than to the rational occupational training requirements of a largely urban inmate population, and only after the Task Force had been in operation for several months were the

upholstery and furniture refinishing shops at the prison finally shut down.

In approaching this situation, we recommend first that a phased plan using federal money initially to pay inmate labor at the Maine State Prison according to a graduated incentive wage scale be implemented during the next fiscal year. The administration of the Maine State Prison already has a grant pending to initiate such scaled wage payments to working inmates using federal funds. In addition, however, we recommend that once such a system becomes self-sustaining, that these wage payments be used partially to support inmates and their families, necessary services at the institution, and the beginnings of a system of restitution to the victims of crime. Secondly, we recommend that prison industry programs be reoriented drastically in order to assure day-to-day training of all inmates in valuable job skills actually in demand in the outside community, with eventual permanent placement of former inmates in related community jobs as the major criterion of success for such programs. And thirdly, we recommend a high degree of inmate participation in planning individual occupational training programs with correctional officers, and in the cooperative administration of the entire system.

41. WE RECOMMEND THE CREATION OF A TWELVE MEMBER "JOINT CORRECTIONS-INDUSTRY ADVISORY BOARD" CONSISTING OF REPRESENTATIVES OF MAINE PRIVATE INDUSTRY, ORGANIZED LABOR, THE VOCATIONAL EDUCATION BUREAU OF THE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES, THE DEPARTMENT OF MANPOWER AFFAIRS, THE MAINE STATE CHAMBER OF COMMERCE, THE SERVICE CORPS OF RETIRED EXECUTIVES (S.C.O.R.E.), THE BUREAU OF CORRECTIONS, AND INMATES AT ADULT CORRECTIONAL INSTITUTIONS, TO MEET QUARTERLY WITH THE HEADS OF EACH ADULT CORRECTIONAL INSTITUTION TO ADVISE THEM ON THE STRUCTURING OF PRISON INDUSTRY AND VOCATIONAL EDUCATION PROGRAMS OF THE MOST CURRENT PRACTICAL UTILITY BOTH TO PRIVATE INDUSTRY AND TO THE MAINE PRISON POPULATION. (LEGISLATIVE)

Comment:

With the recommended expansion of both institutional and community-based prison industry and vocational education programs within the Maine correctional system, additional guidance from private industry and state occupational specialists will be required to assure that participating inmates are actually trained in well-compensated occupational skills currently in high demand by the outside community. Lack of coordination in the past between correctional job training programs and the actual needs of private industry in Maine has caused a significant amount of wasted effort and unrealized expectations throughout our correctional system. Consequently, we are proposing now the creation of an advisory board, tied closely to private industry, and with citizen members compensated on a per diem basis, to help assure under the expanded training system that greater success in actually placing inmates in productive jobs once they leave the institutional setting is achieved.

42. WE RECOMMEND THAT THE STATE MINIMUM WAGE LAW BE AMENDED TO INCLUDE WITHIN ITS COVERAGE ALL INMATES OF MAINE CORRECTIONAL INSTITUTIONS WHO PERFORM WORK WHICH IS OF ECONOMIC VALUE TO THE STATE. (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that, in addition to

paying inmates for commercially productive labor eventually at rates which will equal those prevailing for work of the same type in the community, as discussed in recommendation #40, all inmate labor at all correctional facilities which is of economic benefit to the state should be compensated at rates at least equaling the state minimum wage. To do less, we believe, would be to countenance a special form of involuntary servitude.

Presently, at every correctional institution throughout Maine there are inmates preparing and serving meals, washing floors, repairing state property (including motor vehicles, plumbing, and electrical wiring at male institutions), and performing a wide variety of other institutional custodial and maintenance functions. The performance of this labor is of major economic benefit to the state, and yet the inmate laborers involved are not compensated in any manner by the institutions for which they work.

Furthermore, several institutions employ inmates in "trustee positions" actually assisting with the administrative functioning of the institutions in jobs that would otherwise be filled by professional counselors and correctional officers employed by the State. For such inmates performing similar or identical work to that performed by non-inmate employees, we recommend that they be compensated at similar or identical rates to those applying to non-inmate employees.

Jotberg v. U.S. Dept. of Labor, et al., Civ. No. 13-113 (D. Me. June 18, 1974) required all inmates of mental institutions in Maine to be compensated, according to the above standards, for all labor performed that is of economic benefit to the state, and we believe simply that the concept should be quickly and logically applied to our correctional institutions.

With the advent of requiring inmates to pay for a wide variety of programs and services within correctional institutions, and with the advent of increased use of restitution arrangements to compensate the victims of crime in Maine, we believe it is only fair to compensate all beneficial inmate labor at all correctional institutions according to standards considered equitable for the general population at large.

43. WE RECOMMEND THAT, TOGETHER WITH THE IMPLEMENTATION, DURING FISCAL YEAR 1975, OF PROFIT SHARING AND GRADUATED WAGE PAYMENTS TO INMATES UNDER THE PROPOSED EXPANDED PRISON INDUSTRIES PROGRAM AT THE MAINE STATE PRISON, THE \$3,000 PER INMATE PER YEAR ADMINISTRATIVE CEILING ON INDIVIDUAL INMATE EARNINGS BE ELIMINATED. (ADMINISTRATIVE)

Comment:

Presently, the Maine State Prison imposes a \$3,000 ceiling on individual inmate earnings from items produced within the commercial crafts and novelties programs and sold to the public at the Prison Store. The earnings ceiling is presently enforced to encourage competition among all inmates in the production of salable novelties, and to prevent some inmates with access to outside capital from establishing independent economic power bases, through the employment of other inmates in major capitalistic enterprises, within the prison.

With the advent of profit sharing and the payment of reasonable wages under an expanded prison industries program administered by the Maine State Prison, the reasons for the present earnings ceiling become unconvincing.

We believe the ceiling should be eliminated to allow for the immediate implementation of the initial graduated compensation plan, and the eventual implementation of the minimum wage floor on all inmate labor benefitting the state, contemplating wage levels in both programs in excess of \$3,000 per inmate per year in some circumstances.

44. WE RECOMMEND THAT AS RESIDENTIAL PROGRAMS IN ADULT CORRECTIONAL INSTITUTIONS IN MAINE BECOME MORE ORIENTED TOWARD VOCATIONAL TRAINING, THE PRODUCTION OF COMMERCIAL PRODUCTS, THE PROVISION OF COMMERCIALY SALABLE SERVICES, AND ULTIMATE JOB PLACEMENT FOR INMATES IN THE OUTSIDE COMMUNITY, THAT INMATES PARTICIPATING IN SUCH WORK PROGRAMS BE AFFORDED THE OPPORTUNITY TO BECOME MEMBERS OF ESTABLISHED CRAFT LABOR UNIONS. (ADMINISTRATIVE)

Comment:

As the expansion of educational release, halfway house utilization and community-based drug treatment programs depletes the adult institutional populations to a point at which inmates remaining under direct correctional administrative authority at the central institutions and regional pre-release centers are largely involved in prison industry and other work programs, it becomes logical to allow such inmates to be represented by organized labor in the same manner as are their fellow workers in the outside population.

In order for the Maine State Prison presently to implement any proposed expansion of prison industry activities and institutionally-based work programs, it must comply with federal legislation such as the Fair Labor Standards Act, and the Occupational Safety and Health Act, and in short must run its manufacturing operations according to the same minimum health safety, and other regulatory standards as private businesses. Within the confines of the private enterprise system, and under such circumstances, we see no reason why inmate laborers in prison shops should not be afforded the same access to labor union representation concerning working conditions in those shops, as that allowed industrial workers performing similar jobs in similar shops in the outside community.

Indeed, we believe that the initiation of dues-paying voting membership in recognized labor organizations for most inmates would help ease the way into union jobs for such persons in the outside community upon eventual release from prison, and would provide a constructive community-based organizational framework for inmate participation while in prison.

45. WE RECOMMEND THAT THE DEVELOPMENT OF READING AND BASIC EDUCATIONAL SKILLS FOR CORRECTIONAL INMATES BE MADE A TOP PRIORITY GOAL OF ALL MAINE CORRECTIONAL INSTITUTIONS, AND THAT AN INTENSIVE PROGRAM DIRECTED AT RAISING THE READING LEVELS OF CONFINED PERSONS IN MAINE TO HIGH SCHOOL GRADUATE LEVELS BE INITIATED IMMEDIATELY USING BOTH EXPANDED REALLOCATION OF STATE RESOURCES AND PRIVATE ORGANIZATIONS SUCH AS "LITERACY VOLUNTEERS". (ADMINISTRATIVE)

Comment:

It has been estimated that over 40% of correctional inmates nationally are functionally illiterate. The percentage of such persons serving sentences within the Maine state and county correctional system is not available simply

because no state agency presently records it, but at least one major institution, the Maine State Prison, estimates that one inmate in three at that institution has a "serious reading problem" and that the average reading level for its entire inmate population is below the 10th grade level.

There are countless, trite but very true stories circulating within the walls of Maine correctional institutions of potential parolees not completing job applications because they could not understand the questions on the printed forms, and of such persons also showing up at the wrong location for a personal job interview simply because they couldn't decipher the written address. While such stories were the object of no little humor for Maine inmates retelling them personally to Task Force members, there is enough truth behind them generally in Maine prisons and county jails to make the humor wane substantially for the listener, and for the taxpayer.

The Governor's Task Force on Corrections believes that most root causes of repeated crime lie in social and economic deprivation. Inadequate reading skills are crippling to chances of even rudimentary success in pursuing a non-criminal career in our social and economic system, and we believe that the state in its own interests, should see that such causes of continued crime are reduced as much as possible within its present correctional inmate population.

46. WE RECOMMEND THAT LEGISLATION BE ENACTED CREATING A NONGEOGRAPHIC SCHOOL DISTRICT WITHIN THE BUREAU OF CORRECTIONS DESIGNED TO PROVIDE COORDINATION FOR STATE AND FEDERALLY FUNDED EDUCATIONAL PROGRAMS FOR BOTH THE ADULT AND JUVENILE CORRECTIONAL INSTITUTIONS IN MAINE. THE ADMINISTRATION OF SUCH A SCHOOL DISTRICT WOULD BE RESPONSIBLE TO A FIVE-MAN CITIZEN BOARD OF DIRECTORS, APPOINTED BY THE GOVERNOR, HAVING ULTIMATE AUTHORITY CONCERNING EDUCATIONAL POLICY AT ALL THE CORRECTIONAL INSTITUTIONS IN MAINE. (LEGISLATIVE)

Comment:

It can be established statistically that the average educational achievement level of persons incarcerated in the Maine juvenile system is substantially below that of their formal grade level and age group, and that this situation does not improve significantly during incarceration in a state "training school" under present practices. It can be established statistically, also, that the average educational achievement of adult correctional inmates in Maine hovers around or below the 10th grade level, and shows few signs of having been improved by administrative programs. These situations are due in part to the facts that for a variety of reasons juvenile institutions in Maine have historically had little success, on their own, in substantially improving the educational achievement levels of their charges, and that the adult institutions have been caught in a state funding squeeze which has reduced their overall educational efforts for correctional inmates.

Our recommendation is, first, to create formal citizen control of the juvenile and adult educational programs in the correctional institutions in order to reorient them toward community-based educational alternatives which have proven more successful than our present system in Maine; and secondly, technically to create one "nongeographic school administrative unit" at the state level to allow all correctional institutions to apply legally for Federal Title I funding under the Elementary and Secondary Education Act of 1965. Several states, including Texas, Connecticut, Illinois, New Jersey, Arkansas, and Ohio have recently enacted similar legislation, and have successful school administrative units operating within their correctional systems.

We believe that it has been determined fairly conclusively that correctional inmates with below average educational achievement levels prove less able to succeed in work assignments or community educational programs once they are released from the correctional system; and that those ex-inmates living in the outside community who prove less able to succeed in work assignments or in school situations prove more likely to commit further criminal offenses. Because of these known factors in all correctional systems, we believe that Maine has a strong self-interest in reducing this source of repeated criminal activity in its own criminal justice system as much as possible.

47. WE RECOMMEND THAT EVERY MAJOR CORRECTIONAL INSTITUTION OPERATED BY THE STATE ESTABLISH AN INSTITUTIONAL "PLACEMENT OFFICE" WHOSE FUNCTIONS SHALL BE TO COLLECT INFORMATION CONCERNING EDUCATIONAL AND JOB OPPORTUNITIES IN THE OUTSIDE COMMUNITY; TO ARRANGE FOR PERSONAL INTERVIEWS BETWEEN EDUCATIONAL OFFICIALS, POTENTIAL EMPLOYERS, AND INMATES AT THE INSTITUTION OR ON FURLOUGH; TO ESTABLISH PROGRAMS TEACHING INMATES THE TECHNIQUES OF APPLYING FOR JOBS; AND TO KEEP A RECORD OF ITS PERFORMANCE IN ACTUALLY PLACING INMATES IN COMMUNITY EDUCATIONAL AND OCCUPATIONAL PROGRAMS. (ADMINISTRATIVE)

Comment:

Regardless of the extent of educational and vocational training programs presently operating at Maine correctional institutions, institutional administrators admit that very few outgoing inmates are actually placed in a job or educational situation with the aid of institutional employees, and most outgoing inmates, with varying degrees of success, simply fend for themselves.

Since September of 1973, six "job developers" have been employed by the Bureau of Corrections (one at each institution, and two at the Bureau office in Augusta) to assist inmates leaving the institutions to find jobs. Institutional heads agree, however, that based upon one year's record of this program's performance, a great deal more is needed.

What we are recommending basically is the creation of a "placement office" at each correctional institution, modeled on similar placement offices in education and in industry, to collect and to make available current job and schooling information to inmates, and to refer such inmate clients to particularly relevant educational and job opportunities as they arise, based on an inmate's particular training and experience. This recommendation also contemplates the establishment of regular classes for outgoing inmates in the practical techniques and "tricks of the trade" in successfully dealing with job applications, résumés, and personal interviews, patterned after a similar proven Department of Defense program for retiring career personnel in the armed services.

EXPANSION OF COMMUNITY CORRECTIONAL PROGRAMS

AS AN ALTERNATIVE TO INCARCERATION

48. WE RECOMMEND THAT WHERE AN INDIVIDUAL OFFENDER'S EDUCATIONAL OR JOB TRAINING NEEDS CANNOT BE MET AT EITHER OF THE MAINE ADULT CORRECTIONAL INSTITUTIONS FOR MEN AND WOMEN, THAT PLACEMENT OF SUCH INMATES AT EXTERNAL EDUCATIONAL

INSTITUTIONS OR IN PRIVATE INDUSTRY ON WORK RELEASE PROGRAMS BE CONSIDERED, REGARDLESS OF THE AMOUNT OF TIME REMAINING TO BE SERVED BY AN INMATE ON HIS SENTENCE. THIS PLACEMENT IS TO BE ARRANGED IN THE SHORT TERM BY INSTITUTIONAL PERSONNEL, BUT OVER THE LONG TERM THE RECOMMENDATION CONTEMPLATES ADMINISTRATIVE SHIFT OF THIS FUNCTION TO STATE AND LOCAL OFFICIALS OF THE "AREA CORRECTIONAL CENTERS" RECOMMENDED BY THE "CORRECTIONS STUDY" FOR THE BUREAU OF CORRECTIONS, BY BATTEN, BATTEN, HUDSON, & SWAB. (ADMINISTRATIVE)

Comment:

Presently, persons serving extended state prison terms in Maine are arbitrarily disqualified by administrative policy from participation in work release or educational release programs in the local community until the last few months of their minimum sentences (6 months for most inmates; 11 months for persons who have experienced extreme financial hardship). This means simply that if a person is serving an extended State Prison minimum term of, for example, eight years, and his educational or job retraining requirements cannot be met within the physical confines of the prison facility, this person must almost literally sit out 7½ years of wasted time before he can gain admittance to the program he needs to help him earn a living once he leaves the institution.

This situation makes very little sense, and the Task Force believes that eligibility for educational or work release should be determined on a case by case basis largely according to an inmate's individual reliability and retraining requirements, and that in no case shall an inmate be arbitrarily prohibited from participation in educational or work release programs solely on the basis of time remaining to be served on a minimum sentence.

49. WE RECOMMEND THAT THE PRESENT EDUCATIONAL RELEASE PROGRAM ADMINISTERED BY THE BUREAU OF CORRECTIONS BE EXPANDED TO THE GREATEST EXTENT POSSIBLE, AND THAT LEGISLATION BE ENACTED ALLOWING THE REALLOCATION OF INSTITUTIONAL APPROPRIATIONS FROM CUSTODIAL PROGRAMS TO DIRECT GRANTS-IN-AID TO STUDENT-INMATES ATTENDING COLLEGE OR SECONDARY SCHOOLS IN THE OUTSIDE COMMUNITY. (LEGISLATIVE)

Comment:

In initiating the recently established educational release component of the work release program at the state's correctional institutions, institutional administrators have creatively supported qualified student-inmates in the outside community through a variety of federal sources including Vocational Rehabilitation funds, and monies provided under the G.I. Bill and the Manpower Development and Training Act. Such funds are limited, however, in their use to only certain classes of inmates and the potentially highly-successful work/educational release program at Maine correctional institutions has accordingly remained quite small, with only six prison releasees presently attending college throughout the state.

We believe simply that the time has come for the state to explore more creative methods of using existing state appropriations in addition to outside federal sources to, first of all, expand the numbers of qualified inmates participating in community-based educational release programs, and secondly, to increase the total amount of financial support available to each participating student-inmate in such programs.

With costs of residential confinement at all Maine correctional institutions averaging between \$5,894 and \$21,120 per inmate per year, it becomes feasible to reallocate portions of institutional funding to non-residential community education programs for non-dangerous and qualified inmates at substantial savings to the state per inmate over the costs of present custodial care. Such a plan, we believe, would be both in the best immediate economic interests of the state and in the best long-term interests of the inmates chosen for such educational opportunities.

Several states, including New York, Connecticut, and Massachusetts have recently successfully established similar programs of state support for the education of correctional inmates in the outside community, and we recommend that Maine initiate a similar reallocation of its institutional resources, in combination with the use of any federal funds that continue to be available.

50. WE RECOMMEND A COMPLETE PHASING OUT OF THE USE OF COUNTY JAILS AS RESIDENTIAL FACILITIES FOR PERSONS PARTICIPATING IN WORK RELEASE OR EDUCATIONAL RELEASE PROGRAMS FROM STATE CORRECTIONAL INSTITUTIONS BY SEPTEMBER 1, 1975, AND WE RECOMMEND ALTERNATIVE PLACEMENT IN PRIVATE RESIDENTIAL FACILITIES AND COMMUNITY CONTROLLED HALFWAY HOUSES, CONSISTENT WITH SECURITY REQUIREMENTS, FOR AS MANY OF SUCH PERSONS AS POSSIBLE. (ADMINISTRATIVE)

Comment:

Maine State Prison inmates participating in local work release and on the job training programs are presently required to be confined within local county jails during their non-working hours. Under such arrangements, men leaving the prison to participate in this supposedly reintegrative community-based program, often find themselves living under conditions more confining than those existing at the prison.

With literally hundreds of private, state-certified boarding homes, and other alternative residential facilities presently operating in the state, and with the development of a system of state-monitored halfway houses, we see no reason to continue the policy of lodging educational and work releasees in county jails, and we recommend a complete shift in the residential placement of work releasees to non-custodial facilities over a twelve-month period.

51. WE RECOMMEND THAT THE STATE INVESTIGATE CONTRACTING-OUT AS MANY CORRECTIONAL SERVICES AS POSSIBLE TO PRIVATE BUSINESSES AND PUBLIC INSTITUTIONS CAPABLE OF PROVIDING SPECIALIZED SERVICES REQUIRED BOTH BY INDIVIDUAL OFFENDERS AND LARGE GROUPS OF OFFENDERS, TOWARD THE END OF MORE EFFICIENTLY PROVIDING PRECISELY THE TYPE OF ASSISTANCE DESIRED AND REQUIRED BY SUCH PERSONS SO THAT THE CORRECTIONAL SYSTEM MAY MORE EFFICIENTLY PROVIDE THE CHARACTER OF ASSISTANCE MOST APPROPRIATE FOR EACH INDIVIDUAL OFFENDER, AT REDUCED COST TO THE STATE. (ADMINISTRATIVE)

Comment:

Individual offenders often need, and request, special social, psychiatric, and educational services not available in large correctional institutions geared predominantly to serving only the common denominator of inmate problems. We believe that to refuse to provide the needed services to such inmates over the long term is to risk heightened recidivism rates and heightened expense to

the state, and yet the provision of such services to a variety of minority segments of the institutional population at the institutions themselves is often prohibitively expensive.

Recognizing this problem, as well as recognizing the bureaucratic reality that often services purchased in the community cost less than the same services administered by the state, institutional administrators in both the corrections and mental health fields have been increasingly off-loading the requirements of special inmates, including "custody" of large percentages of their entire populations, to the outside community. Under such guidelines mental health administrators in particular have been saving the state money by purchasing substantial medical, psychiatric, educational, and boarding home services for non-dangerous inmates in the local community for years. What we are advocating is a program of similar scope and enlightenment for the state's correctional system.

For instance, when according to institutional personnel less than 15% of the population of the Boys Training Center in South Portland is so dangerous to society as to require more supervision than that available at any good boarding school, and when the Boys Training Center struggles to provide a good boarding-school education to all of its charges at a rate of \$16,381 per student per year, it becomes sensible to explore seriously the possibility of purchasing a comparable education at a comparable private preparatory school or vocational academy for such persons elsewhere, at less than one-third the cost.

For instance, when less than four or five young women on the average at the Stevens School according to institutional employees are so violent that they require special security measures and psychiatric counseling in order to attend school at the institution, and when the combined costs of security, custody, counseling, and education at the institution is \$21,120 per student per year, it becomes sensible seriously to consider (1) closing the entire institution; (2) sending the bulk of the non-dangerous young women to accredited boarding schools; and (3) purchasing special services for the institution's remaining behaviorally-dangerous charges, at a total projected annual cost of less than one-quarter that of the present system.

And similarly, when according to correctional administrators, less than 15% of the inmate populations of Maine's two adult correctional institutions for men and women require regular maximum security supervision during their tenure at the two prisons, and when the total cost per inmate per average stay at these institutions is \$20,040 and \$19,084 respectively, it becomes sensible to explore seriously the possible purchase by the State of extensive alternative community-based correctional programs such as those within halfway houses at average costs of \$2,000 per resident per average stay.

Several states are now successfully experimenting with massive individualized purchasing of community services for substantial portions of their non-dangerous institutional populations. At a time when Maine's institutional populations in the corrections field are dropping to a point which makes continued maintenance of these institutions, as large residential and treatment facilities prohibitively expensive, we can do no less than seriously examine these same experimental approaches to common correctional problems.

52. WE RECOMMEND THAT IN THE INTERIM BEFORE THE BASIC ELEMENTS OF THE BATTEN, BATTEN STUDY ARE IMPLEMENTED, THAT AN EXPANDED SYSTEM OF "REGIONAL COMMUNITY CORRECTIONAL CLINICS" PROVIDING PROFESSIONAL SERVICES TO THE CRIMINAL JUSTICE SYSTEM IN MAINE BE DEVELOPED AND JOINED COOPERATIVELY WITH THE EXISTING STRUCTURE OF STATE MENTAL HEALTH CLINICS AND COUNTY-LEVEL SOCIAL SERVICES OUTPATIENT PROGRAMS. WE RECOMMEND THAT THE CONCEPT BE TESTED WITH THE INITIATION OF AN URBAN PILOT PROJECT WITHIN THE NEXT FEW MONTHS, AND THAT IF PROVEN SUCCESSFUL ALL BUT CENTRAL CUSTODIAL SERVICES OF THE BUREAU OF CORRECTIONS BE REORGANIZED IMMEDIATELY ALONG THE LINES OF THE PROPOSED TOTAL SYSTEM, CONSISTENT WITH THE EVENTUAL IMPLEMENTATION OF THE BASIC ELEMENTS OF THE BATTEN, BATTEN STUDY. (ADMINISTRATIVE)

Comment:

Delays in the implementation of community corrections programs within the general guidelines of the Batten, Batten report have caused frustration to those who truly seek to begin achieving the greater efficiencies and greater effectiveness of community-based corrections in this state. Recent public statements of correctional administrators establish, however, that according to their own informal estimates, it could take upwards to ten more years to accomplish such a reorientation of corrections in this state. (Lloyd Ferris, "County Officials Voice No Objections to Corrections System Master Plan", Maine Sunday Telegram, June 16, 1974, p. 1.)

The Governor's Task Force on Corrections believes very simply that 10 years is too long to wait before implementing the beginnings of locally controlled community-based corrections in this state. We already have the community mental health clinics in operation, and we already have a very workable "Psychosocial Services Model" for the Criminal Justice System to show the state how correctional needs in the community can begin to be filled now. We see no logical justification for putting off the establishment of a complete community correctional system in Maine for several years, and we see no reason why we should not begin to establish the local framework of that system now.

First, we believe that reorientation of correctional policy in this state can be accomplished at a much speedier rate if the public and correctional administrators together make an active commitment to it; and secondly, we believe that much can be done to initiate regionalized community-based correctional programs now by integrating a correctional component into the already existing and successful community mental health clinics.

Basically, we are recommending that the state physically assign correctional specialists and aftercare personnel directly to the existing community mental health clinics immediately to serve as links between correctional clients and existing social resources, and that the state develop a system of reallocating present institutional funds to the purchase of additional services in the clinic areas from state and private social welfare agencies. Once the system is set up, we recommend that the correctional institutions individually begin feeding into it on a case by case basis according to the needs and desires of individual inmates.

In addition, in at least one area of the state, we recommend the immediate initiation of a pilot project aimed at providing more complete and experimental community correctional services to an existing mental health clinic

regional population, to be administered cooperatively by an existing state official, such as the Director of Comprehensive Services to the Criminal Justice System under the Commissioner of the Department of Mental Health and Corrections, and the administrator of the mental health clinic eventually chosen as the location for the project. Such a temporary project, we believe, however, should be oriented largely to the purchase of existing social services in the community and should not establish a bureaucracy of its own to provide direct services to correctional clients on an ongoing basis.

IMPROVING PROFESSIONALISM OF
CORRECTIONAL EMPLOYEES

53. WE RECOMMEND THAT THE MAINE CRIMINAL JUSTICE ACADEMY IN COOPERATION WITH THE PROPOSED CORRECTIONAL ADVISORY COMMISSION IMPLEMENT STANDARDIZED MANDATORY MINIMUM OCCUPATIONAL QUALIFICATIONS FOR ALL PERSONS EMPLOYED THROUGHOUT THE CORRECTIONAL SYSTEM, AND THAT MANDATORY PERSONALITY EVALUATION AND BEHAVIORAL OBSERVATION BE MADE A CONTINUING PART OF THE CAREER ADVANCEMENT PROCESS FOR BUREAU OF CORRECTIONS EMPLOYEES. (LEGISLATIVE)

Comment:

Early in our initial conversations with correctional administrators and guard-level institutional employees the Task Force was struck with what appeared to be a very heavy emphasis on purely custodial job functions within the system, and an almost total lack of lateral job mobility for employees among the various institutions. In short, it appeared clearly, several years after the creation of a central administrative office in the Bureau of Corrections, that individual correctional institutions throughout the state were still being run largely autonomously using locally-drawn and often unprofessionally-trained institutional employees.

Since our initial contact with this administrative situation at the institutions, the Bureau of Corrections has been presented with a standardized career ladder for all Bureau of Corrections employees developed by the Economic and Manpower Corporation, of New York City. This career ladder proposal is based on employee educational background, relevant correctional experience, and encourages horizontal transfer of career correctional employees among the various institutions as an element of career advancement. We endorse the basic approach to the problem proposed by the Economic and Manpower Corporation, and we urge swift implementation of the details of the proposal, as they relate to institutionally-based programs.

Two obvious requirements of such a system overlooked by the private consultant, however, we wish to recommend here: first, that existing Maine Criminal Justice Academy training programs be utilized to a much greater extent in advancing qualified correctional employees along the proposed career ladder; and secondly, that continuing behavioral observation be required as an element of career advancement for correctional employees to logically screen out homosexuals, persons prone to violence, and other behavioral types from certain direct care and other jobs where their behavioral preferences might rationally prove a problem to themselves and to their correctional clients.

54. WE RECOMMEND THAT LEGISLATION BE ENACTED PLACING INSTITUTIONAL EMPLOYEES OF THE BUREAU OF CORRECTIONS ON A REGULAR 40-HOUR WORK WEEK, WITH NO LOSS IN PAY AT THE TIME OF TRANSITION FROM THE PRESENT 44-HOUR WORK WEEK. (LEGISLATIVE) (ADMINISTRATIVE)

Comment:

In addition to our general endorsement of the career ladder plan proposed for the Bureau of Corrections by the Economic and Manpower Corporation as a method of attending to a variety of evils presently existing within the personnel system and practices of the Bureau, we wish to address one perennial personnel problem singly -- that of the 44-hour institutional work week for correctional employees.

In simple terms, as jobs of all levels at state correctional facilities and area service centers become more professional and become less oriented merely to the security requirements of centralized custodial institutions, it will make little sense, if it ever did, to continue correctional institution workers as a group on a work week different from that of other state correctional employees, and we feel that a reduction of the present 44-hour institutional work week for such persons to 40-hours is clearly warranted. Secondly, a beginning correctional officer at the Maine State Prison and other correctional facilities presently earns only approximately \$132 per week, and can hardly afford a reduction in pay given the present condition of the state and national economy, and we therefore urge that during and after the transition from the 44 to the 40 hour work week, present levels of compensation be maintained. And lastly, we recommend that the entire institutional personnel system be integrated as quickly as possible into the proposed career laddering plan.

If we truly wish to raise our institutional and non-institutional correctional programs in Maine to a level of professional competence adequate to begin reducing the needless and expensive recurrence of crime among our inmate population, we must assure that the best people available are employed in our correctional system. In the past, special legislative proposals have been attempted to effect ad hoc increases in compensation for institutional employees while retaining them as a distinct class within state service. We believe this is unwise, and we propose simply to eliminate the artificial distinctions between institutional employees and all other state correctional employees, and at the same time to connect such persons to a rational career advancement and job reclassification plan for the entire Bureau of Corrections.

IMPROVEMENT OF INSTITUTIONAL

LIVING CONDITIONS

55. WE RECOMMEND THAT THE UNIVERSITY OF MAINE CHANCELLOR'S OFFICE ENCOURAGE THE UNIVERSITY OF MAINE SCHOOL OF LAW TO ESTABLISH A SUPERVISED PROGRAM, BEGINNING IN THE NEXT ACADEMIC YEAR, GRANTING ACADEMIC CREDIT TO SECOND AND THIRD YEAR LAW STUDENTS IN EXCHANGE FOR STUDENT LEGAL ASSISTANCE TO INDIVIDUAL INMATES OF STATE CORRECTIONAL INSTITUTIONS IN RESOLVING THEIR CIVIL PROBLEMS RESULTING DIRECTLY OR INDIRECTLY FROM INCARCERATION. (ADMINISTRATIVE)

Comment:

Inmates confined at correctional institutions throughout Maine have traditionally been beset with a variety of civil, contractual, marital, and personal problems which require some form of civil legal assistance to be made available to them while they are incarcerated. Unfortunately, however, Maine inmates have seldom been able to secure even the barest legal assistance with problems such as attachment of real and personal property, divorce, and child custody, while in prison, and existing public legal services in Maine such as Pine Tree Legal Assistance, Inc. apparently do not have the manpower to handle sufficiently the bulk of these problems.

In an attempt recently to deal with a similar problem in the State of Washington, the University of Washington Law School in Seattle successfully inaugurated a program involving 50 law students, and volunteer lawyers from local bar associations, to assist inmates at local, state, and federal penitentiaries in that state. Our recommendation for such a program in Maine is patterned on the University of Washington Program, and is intended to be consistent with Standard 2.2 of the Corrections Report of the National Advisory Commission on Criminal Justice Standards and Goals.

56. WE RECOMMEND THAT 34 M.R.S.A. §41 BE AMENDED TO REPEAL THE PROVISIONS ESTABLISHING BOARDS OF VISITORS FOR EACH CORRECTIONAL INSTITUTION, AND THAT LEGISLATION ESTABLISHING A TWELVE-MEMBER PERMANENT "CORRECTIONAL ADVISORY COMMISSION" APPOINTED BY THE GOVERNOR BE ENACTED IN ITS STEAD, TOWARD THE END THAT THE BUREAU OF CORRECTIONS MAY RECEIVE CONTINUING DIRECT CITIZEN INPUT FROM ACADEMIC, PROFESSIONAL, EX-OFFENDER, AND COMMUNITY REPRESENTATIVES ON MATTERS OF CURRENT INSTITUTIONAL MANAGEMENT AND BUREAU-WIDE POLICY.
(LEGISLATIVE)

Comment:

The present system of institutional Boards of Visitors in the State of Maine has proved largely ineffective in providing desired citizen participation in the planning and policy determination process within the Bureau of Corrections. Under the present system, there exists one Board of Visitors for every correctional facility operated by the state, and no citizen advisory body feeds directly into the Bureau of Corrections staff at the policy-making level. In addition, under the present statute, Board members are not reimbursed for necessary expenses of operation, and understandably meetings occur infrequently if at all.

The proposal recommended above would pare down and consolidate the presently ineffective correctional Boards of Visitors into one citizen advisory committee having input at the Bureau level, where correctional policy is actually made. The Director of the Bureau of Corrections would provide staff support for the activities of the Commission, expenses of Commission members would be fully reimbursed, broad representation including that from law enforcement and ex-offender groups is contemplated, and the Commission is expected to routinely absorb the institutional visitation functions of the present separate Board system.

57. WE RECOMMEND THAT COMMUNITY AND EX-OFFENDER ACCESS TO CORRECTIONAL INSTITUTIONS BE ENCOURAGED BY THE BUREAU OF CORRECTIONS IN ORDER TO ACQUAINT CONCERNED CITIZENS WITH THE PRESENT PROBLEMS OF MAINE CORRECTIONAL PROFESSIONALS, AND IN ORDER TO GIVE MAINE INMATES AN IDENTIFIABLE VOICE IN SEEKING CONSTRUCTIVE CHANGE WITHIN THE PRESENT SYSTEM.

THIS RECOMMENDATION IS TO BE CONSIDERED APART FROM, AND IN ADDITION TO, THAT CALLING FOR CITIZEN AND EX-OFFENDER INVOLVEMENT IN THE CORRECTIONAL PROCESS THROUGH THE CREATION OF A CONSOLIDATED "CORRECTIONAL ADVISORY COMMISSION" AT THE STATE LEVEL, AND SPECIFICALLY WE RECOMMEND THAT THE TASK FORCE'S RECOMMENDED POLICIES "GOVERNING ORGANIZATIONS WITHIN INSTITUTIONS"; "GOVERNING VISITS OF ATTORNEYS AND AGENTS OF ATTORNEYS"; "GOVERNING ACCESS OF NEWS MEDIA"; AND "GOVERNING RECEIPT AND REVIEW OF LITERATURE" BE ADOPTED BY THE BUREAU OF CORRECTIONS AT THE EARLIEST PRACTICABLE DATE. (ADMINISTRATIVE)

Comment:

It has been commonly noted by national observers that there exists no effective lobby for correctional change in the State of Maine. The Governor's Task Force on Corrections believes that this has resulted largely from the combination of both physical and informational community insulation from the state's major correctional institutions, and the attendant isolation of inmates of these institutions from the community-based, legal, and news media representatives necessary to make themselves heard in the outside community. An effective and complete decision-making process by state officials needs a participating citizenry personally informed on correctional issues, and an inmate lobby able publicly to voice well-reasoned proposals for constructive correctional change.

The Maine State Prison presently operates an excellent community-based program involving the Maine Jaycees, and other state correctional institutions have similar programs. What is needed, however, is greater public awareness of such programs, the inmates participating in such programs, and a greater variety of these organizations operating within our institutions, including organizations whose major purpose is correctional and political change. Only in this way do we believe that artificial barriers between the citizenry and our correctional institutions will be erased, and only in this way do we believe that all ideas concerning proposed new directions within our correctional system will be placed before Maine citizens in a manner adequate to allow intelligent choices on the issues involved.

58. WE RECOMMEND THAT THE POLICY GOVERNING THE SENDING AND RECEIVING OF MAIL BY CORRECTIONAL INMATES ESTABLISHED BY THE MAINE STATE PRISON ON FEBRUARY 10, 1974, BE MADE APPLICABLE IMMEDIATELY TO THE MEN'S CORRECTIONAL CENTER, THE WOMEN'S CORRECTIONAL CENTER, AND THE JUVENILE INSTITUTIONS, SO THAT GREATER FREEDOM FOR CORRECTIONAL INMATES IN THE SENDING AND RECEIPT OF MAIL INVOLVING A WIDER RANGE OF CORRESPONDENTS WILL BE POSSIBLE. (ADMINISTRATIVE)

Comment:

Under present policy of the Bureau of Corrections, mail sent or received by inmates of Maine correctional institutions may be read and censored for a variety of reasons under a series of somewhat complex rules. In as simple language as is possible, these rules break down to the facts that while outgoing

mail to "privileged" correspondents (judges, attorneys, state officials, etc.) cannot be opened or read, and while incoming "privileged" correspondence can only be opened and checked for contraband, mail sent to and received from other citizens may be opened, read, and censored for content if correctional administrators determine that such correspondence may be a threat to the security of the institution, and such mail may be prohibited altogether if its origin or destination is simply not "approved" by institutional administrators. Such a broad policy of potential mail censorship for all correctional institutions, we believe, is simply more restrictive than necessary for the protection of the legitimate governmental interest of maintaining the security of correctional institutions.

Perhaps recognizing this situation, the Maine State Prison, on February 10, 1974 established a less restrictive mail policy for its maximum security inmate population at Thomaston, allowing outgoing mail to be routinely sealed unless non-pliable material or money transfers were included, and allowing incoming mail to be opened and checked for contraband, without being read, only in the inmate's presence. While the Maine State Prison policy allows the reading of mail where special cause exists to suspect a clear and present danger to the security of the institution, correspondents are not "approved", and for most inmates the vast majority of their mail is allowed to come and go unmolested.

Realistically, very few inmates of correctional facilities plan riots or hatch escape plots through the United States Mail, and the reasons for the present practice at the Bureau level of censoring the large majority of inmate mail for content as opposed to examining it only for contraband, seem somewhat obscure. If the Maine State Prison can successfully operate with a more relaxed mail policy and a maximum security inmate population, we hardly see the justification for the administration of the Bureau of Corrections to continue applying a more restrictive mail policy to the medium security adult and minimum security juvenile institutions of this state.

Restrictions on the First Amendment rights of institutional inmates are always suspect for overbreadth, and the Supreme Court of the United States has recently stated, specifically regarding state prison mail policies, that:

"...the limitation of First Amendment freedoms must be no greater than is necessary or essential to the protection of the particular governmental interest involved. Thus a restriction on inmate correspondence that furthers an important or substantial interest of penal administration will nevertheless be invalid if its sweep is unnecessarily broad." Procunier v. Martinez, _____ U.S.____, Slip Op. (April 29, 1974), p. 17.

We believe very simply that restrictions on the rights of inmates to correspond freely with other citizens, as represented in the general Bureau of Corrections policy dated June 30, 1972, and applicable to all correctional institutions other than the Maine State Prison is "greater than is necessary or essential to the protection of the particular governmental interest involved" under the circumstances, and we recommend that it be reviewed toward aligning it compatibly with the more realistic policy existing at the Maine State Prison.

59. WE RECOMMEND THAT EACH STATE CORRECTIONAL FACILITY IMMEDIATELY IMPLEMENT A "TRANSPORTATION ASSISTANCE PROGRAM" DESIGNED TO AID FAMILIES AND FRIENDS FROM REMOTE COMMUNITIES IN VISITING INMATES AT THAT PARTICULAR FACILITY, AND

THAT SPECIFICALLY EACH INSTITUTIONAL ADMINISTRATION IMPLEMENT PROGRAMS: (1) PROVIDING STATE-SUPPORTED SCHEDULED TRANSPORTATION TO THE INSTITUTION FROM TERMINAL POINTS OF PUBLIC TRANSPORTATION; (2) PROVIDING CAR POOL COORDINATION SERVICES FOR FAMILIES AND FRIENDS TRAVELLING TO THE INSTITUTION FROM THE SAME GENERAL AREA OF MAINE; (3) CREATING INSTITUTIONALLY-MAINTAINED NATIONAL "RIDE BOARDS" FOR FAMILIES AND FRIENDS TRAVELLING FROM DISTANT STATES; AND (4) PROVIDING TOTAL COSTS OF TRANSPORTATION, IF NEED BE, FOR VISITS FROM FAMILY MEMBERS TO AN INMATE, WHEN BOTH THE INMATE AND THE FAMILY ARE INDIGENT. (ADMINISTRATIVE)

Comment:

The Governor's Task Force on Corrections believes that incarcerated offenders should have the right to communicate freely with persons of their own choosing, and that regular visits to offenders by family, friends, and acquaintances should be encouraged and actively assisted by the State.

Prisons throughout the nation are usually built in rural areas, while the overwhelming percentage of prison inmates come from urban environments. Maine is no exception to this rule, with a predominantly urban inmate population, and two of its largest correctional institutions, the Maine State Prison at Thomaston, and the Men's Correctional Center at South Windham, located in remote settings. Transportation to these institutions for families and friends to visit particular inmates is, therefore, a major problem in this state for some persons, especially considering that because of the obvious socioeconomic characteristics of crime, many families of inmates simply do not own an automobile or have access to personal transportation.

Our recommendation is simply for the state immediately to begin removing as many of the needless economic barriers to institutional visiting as possible, in order that family and personal ties can be reasonably maintained for all persons confined within state correctional facilities.

60. WE RECOMMEND THE CREATION OF AN OFFICE OF "INSTITUTIONAL INMATE ADVOCATE" RESPONSIBLE TO THE HUMAN RIGHTS COMMISSION AND CHARGED WITH INVESTIGATING GRIEVANCES OF INMATES OF STATE MENTAL AND CORRECTIONAL INSTITUTIONS AND RECOMMENDING ADMINISTRATIVE OR LEGAL ACTION IN INDIVIDUAL CASES BASED ON THOSE INVESTIGATIONS, AND WE RECOMMEND THE TRANSFER OF THE EXISTING FUNCTIONS AND PERSONNEL OF THE INMATE ADVOCATE PROGRAM PRESENTLY WITHIN THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS TO THE RELOCATED OFFICE OF THE "INSTITUTIONAL INMATE ADVOCATE". (LEGISLATIVE)

Comment:

During the relatively short period that the "inmate advocate" program has been in operation within the Department of Mental Health and Corrections, a marked increase in the mutually satisfactory resolution of inmate complaints at all state institutions has occurred. The "fact-finding" and informal arbitration function of the inmate advocate has proved invaluable to administrators at the Bureau and Department level when dealing with disputes involving inmates and departmental subordinates in the field, and the program should be continued permanently and expanded.

The success of the program to date, however, has been dependent on the

willingness of the present Departmental leadership to allow the program to operate as independently as possible within the formal Departmental setting.

In order to assure that the objective and independent nature of such a program is preserved for the future, however, it will be necessary to at some point remove it from formal Departmental control. A logical setting for the program is the Human Rights Commission, and our recommendation contemplates an enlargement of the Commission's authority to take jurisdiction over the complaints of residents of Maine correctional and mental institutions.

61. WE RECOMMEND THAT ADMINISTRATIVE AND LEGISLATIVE MEASURES BE TAKEN TO ASSURE THAT NO PERSON IS DISENFRANCHISED SOLELY ON THE BASIS OF CRIMINAL CONVICTION, AND TO ASSURE THAT ADULT INMATES OF CORRECTIONAL INSTITUTIONS RETAIN THE SAME OPPORTUNITIES TO VOTE IN FEDERAL, STATE AND LOCAL ELECTIONS AS DO OTHER CITIZENS, WITH LEGAL RESIDENCY FOR ELECTION PURPOSES BEING DETERMINED AS THE INMATE'S LAST LEGAL RESIDENCE PRIOR TO INCARCERATION.
(LEGISLATIVE)

Comment:

The issue of voting rights for Maine prisoners has recently engendered a substantial amount of public discussion.

Federal law requires that inmates of county jails or state correctional institutions be allowed to vote by absentee ballot in federal elections. The issue of extending absentee voter status to persons in county jails or state correctional institutions for state elections, however, has been left to the states, and there is presently no definitive decision on the issue by the United States Supreme Court.

Maine law presently denies absentee voter status to inmates of county jails and correctional institutions in state and local elections under 21 M.R.S.A. §1 (1), while allowing such inmates to vote in person on election day if their presence at the polling place can be arranged. This section was recently upheld by the Supreme Court of Maine in White v. Edgar, Law Docket No. CUM-73-27 (May 7, 1974). The section of the statute upheld by the Maine Law Court, however, was repealed by the Special Session of the 106th Legislature in L.D. 2526, P.L. Chap. 782, effective June 28, 1974, and in the same bill the Special Session enacted a separate section 247 under Title 21, effective the same date, and reading as follows:

"A person who is convicted of a felony and committed to a jail or a penal or correctional institution may not vote at any election and may not be a candidate for any federal, state or county office prior to his discharge or to the granting of parole or while serving the unexpired portion of a sentence after parole has been revoked."

In the opinion of the Governor's Task Force on Corrections, section 247 is violative of federal voting rights legislation and the Maine and United States Constitutions. More recently, the Maine Attorney General has officially agreed with our position. We believe, very simply, moreover, that inmates of correctional institutions should retain all legal rights not necessarily precluded by law, and that the loss of the right to vote in state or federal elections should not be a casual collateral consequence of a criminal conviction.

We, therefore urge that specific legislation be enacted during the 107th Legislature assuring that inmates of correctional institutions be allowed to vote on an absentee basis from their last legal residence prior to being incarcerated.

62. WE RECOMMEND THAT AN INTENSIVE EFFORT BE UNDERTAKEN IN THE SHORT-TERM TO PROVIDE CONTINUING FUNDS FOR ACADEMIC INSTRUCTORS, QUALIFIED MEDICAL PERSONNEL, AND FAMILY COUNSELING STAFF TO AUGMENT PRESENT PROGRAMS AT THE MENS CORRECTIONAL CENTER AT SOUTH WINDHAM, AND THAT LEGISLATIVE APPROPRIATIONS BE REQUESTED TO IMPROVE THE LIVING CONDITIONS OF INMATES AT THAT CORRECTIONAL FACILITY. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Of all the correctional institutions visited by the Task Force members either individually or as part of a group tour, the Mens Correctional Center represented to us by far the most unnecessarily restrictive and physically depressing state correctional facility in Maine. The fact that the institution is livable at all is due undoubtedly to the sincere efforts and progressive attitudes of the institutional administration, and the fact also that the average length of stay at the institution for most inmates is quite short. Past Legislatures have ignored many continuing inadequacies at the Mens Correctional Center, and have not favored it with the level of funding enjoyed either by the womens correctional institutions, or by the Boys Training Center and the Maine State Prison.

Specifically, the Mens Correctional Center is in desperate need of academic teachers. With 25% of the present inmate population under 18 years of age, the institution has only four temporary academic teachers, and there is a real danger that these positions will be discontinued.

Secondly, there exists no present program at the institution for the regular provision of medical care to inmates by professional personnel, and the present program of para-professional medical services is a source of constant complaints from inmates and the administration alike. At least one qualified registered nurse trained in medical diagnosis is clearly needed by the institution, and we urge the Legislature to provide one.

Thirdly, although most inmates at the institution have serious family problems, little family counseling is performed by the institutional staff. Dealing with similar inmate problems, the Family Counseling Program at the Boys Training Center has proved very successful, and we recommend that resources be made available to initiate a similar program at South Windham.

Fourth, the living conditions at the facility are simply unacceptable. A largely adolescent inmate population passes through maximum security facilities actually patterned after the notorious Sing Sing Prison facility in New York State. The living accommodations in some of the institution's "dormitories" are even worse, with no privacy, little physical space, inadequate bedding, and a greater amount of expensive security than is necessary given the characteristics of the inmate population.

And finally, staff is so short at the institution that there is virtually no administrative opportunity to train correctional officers in standard correctional techniques and in the newer "team counseling" approaches successfully

being applied to similar correctional institutions.

The Governor's Task Force on Corrections believes that, notwithstanding the above litany of problems at the Mens Correctional Center, the present administration of the institution is attempting with every available resource to reform the facility into a positive part of a truly community-based correctional network in Maine, and we urge state correctional leaders and the Legislature to give the institution the means required to accomplish this goal.

63. WE RECOMMEND THAT BEFORE JANUARY 1, 1975, THE BUREAU OF CORRECTIONS DETERMINE THE LONG-TERM FEASIBILITY OF: (1) LOCATING THE "AREA I CORRECTIONAL CENTER" FOR THE SOUTHERN PORTION OF MAINE, AS PROPOSED BY THE STUDY COMPLETED BY BATTEN, BATTEN, HUDSON & SWAB, INC., ON THE GROUNDS OF THE PRESENT BOYS TRAINING CENTER AT SOUTH PORTLAND; (2) CLOSING THE MENS CORRECTIONAL CENTER AT SOUTH WINDHAM ENTIRELY; AND (3) PHYSICALLY TRANSFERRING THE REMAINING PROGRAMS AND POPULATION OF THE BOYS TRAINING CENTER TO THE FACILITIES OF THE STEVENS SCHOOL AT HALLOWELL. WE RECOMMEND ALSO THAT STEPS BE TAKEN IN THE IMMEDIATE FUTURE ACTUALLY TO BEGIN REALLOCATING LARGE PORTIONS OF THE PRESENT ADULT CORRECTIONAL POPULATION OF THE STATE OF MAINE TO THE AREA II AND AREA III MINIMUM SECURITY CORRECTIONAL SERVICE CENTERS PROPOSED FOR EXISTING FACILITIES ON THE GROUNDS OF THE AUGUSTA AND BANGOR MENTAL HEALTH INSTITUTES RESPECTIVELY. (ADMINISTRATIVE)

Comment:

The Governor's Task Force on Corrections believes very strongly that the major proposed "area correctional centers" outlined in the Batten, Batten study for the Bureau of Corrections must be located in urban areas of the state of Maine, within easy access of the vocational, educational, psychological, and social services designed to be purchased by the system. Given this premise, it makes little sense to locate the Area I correctional service center for southern Maine, designed ostensibly to purchase a variety of such urban-based community and social services for its clients, in the rural setting of South Windham, Maine, as proposed by the Batten, Batten study, when other alternatives may be available.

In addition, everything we have recommended throughout this report points logically toward an eventual reduction in the total resident correctional inmate population of the state of Maine. With this in mind, we have advocated the phased deinstitutionalization of the majority of our present resident juvenile correctional population and the merger of the remaining programs and population of both juvenile institutions at one facility, possibly at Hallowell. We have also recommended the immediate reallocation of substantial percentages of our adult correctional populations to "pre-release" centers at four facilities compatible with the area centers and sub-centers proposed by Batten, Batten, Hudson, & Swab.

Furthermore, we have discussed at length the excessive security and physical shortcomings of the Mens Correctional Center at South Windham to the point where it would almost seem that the present facility at South Windham can never be renovated adequately over the long term to make it easily perform the projected out-client vocational training and minimum security social service assistance functions designed to be characteristic of an "area center", under the Batten, Batten concept. Given all of these factors, together with both the possible availability of the minimum security South Portland campus of the Boys

Training Center, and the unsuitability and unfortunate location of the Mens Correctional Center, it seems desirable at first glance to consider locating the Area I correctional center at South Portland, and to impose a moratorium on permanent improvements to the South Windham facility until a final administrative decision is made.

The logistics of such a move need not be excessively complicated. Maximum projected residential populations at all area centers should be less than 100 persons, and such redistributions of present resident populations can be easily handled at South Portland, Augusta, and Bangor. In addition, if a substantial portion of the present abnormally large Boys Training Center population of approximately 180 juveniles is reallocated to the variety of non-residential community-based correctional programs for juveniles recommended by this report, the remaining male juvenile residential population can easily be absorbed within existing residential facilities at Hallowell.

Such an integrated rearrangement of present facilities and services, looking, we believe, to the reasonable future needs of our correctional system in Maine, makes better financial and administrative sense over the long term for the entire proposed institutional and community-based correctional system, and we recommend that the Bureau of Corrections seriously explore the feasibility of these alternatives.

64. WE RECOMMEND THAT LEGISLATION BE INTRODUCED DURING THE REGULAR SESSION OF THE 107TH LEGISLATURE CODIFYING AN INMATE "BILL OF RIGHTS" FOR RESIDENTS OF ALL MAINE CORRECTIONAL INSTITUTIONS; AND THAT SUCH LEGISLATION BE DRAFTED INCORPORATING THE GENERAL PRINCIPLES THAT INMATES SENTENCED TO MAINE CORRECTIONAL INSTITUTIONS SHALL BE CONFINED ONLY UNDER CONDITIONS REPRESENTING THE "LEAST RESTRICTIVE ALTERNATIVE CONSISTENT WITH THE PUBLIC SAFETY", AND THAT INMATES OF MAINE CORRECTIONAL INSTITUTIONS SHALL BE PRESUMED TO HAVE RETAINED ALL CIVIL AND LEGAL RIGHTS NOT SPECIFICALLY OR BY NECESSARY IMPLICATION LIMITED BY LAW. (LEGISLATIVE)

Comment:

Presently, Title 34 of the Maine Revised Statutes makes only scattered references to subjects considered generally within the category of "inmate rights". In fact, inmate rights have only been dealt with substantially by the courts in very recent years, and the Legislature can hardly be faulted for not having comprehensively addressed the subject previously in Maine. Enough is known about the emerging area of inmate rights at this time, however to establish certain minimum legal and humane standards for the confinement of persons in Maine correctional institutions, and we believe that the Legislature should now do so.

Many of the subjects to be dealt with in any inmate "bill of rights" have been discussed at length in the recommendations of several national bodies including the American Bar Association Criminal Law Section, the American Law Institute (Model Penal Code), and the National Advisory Commission on Criminal Justice Standards and Goals, and many of these subjects concerning specific rights of inmates are presently dealt with administratively by the Bureau of Corrections. Our recommendation is for the proposed Correctional Advisory Commission to compare present administrative practice in Maine to the most

respected standards in the area of inmate rights, and to codify those basic principles which we believe should remain relatively constant over time and not subject to easy administrative amendment with changes in political administrations.

65. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS CONTINUE TO EXPAND THE INSTITUTIONAL FURLOUGH PROGRAM ADMINISTRATIVELY TO THE POINT WHERE THE LARGEST POSSIBLE PERCENTAGE OF THE PRESENT MAINE CORRECTIONAL INMATE POPULATION IS ALLOWED TO PARTICIPATE, CONSISTENT WITH THE REASONABLE REQUIREMENTS OF PUBLIC SAFETY; AND THAT A CONCERTED EFFORT BE MADE BEFORE JANUARY 1, 1975 TO EXPAND THE USE OF INMATE FURLOUGHS AT ALL CORRECTIONAL INSTITUTIONS TO A RATE COMPARABLE TO THAT PRACTICED BY THE MAINE STATE PRISON. (ADMINISTRATIVE)

Comment:

As discussed in other recommendations within this report, the Governor's Task Force on Corrections believes that, under the current leadership of the Maine State Prison, the furlough program at that institution has on the whole proved to be an unqualified success. Our initial research indicates, however, that for a variety of reasons furlough programs at other state correctional institutions are not as highly utilized. In recommending a general administrative expansion of both the program at the Maine State Prison and the types of programs employed at other correctional institutions, we recognize that the limits of the program are to be most appropriately determined by Bureau of Corrections administrators on an institution by institution basis. Our recommendation is for each correctional institution to conduct its own formal study delineating what it believes to be the greatest possible expansion of the program at its particular facility, and to report back in writing by January 1, 1975 to the Commissioner of the Department of Mental Health and Corrections and the the Director of the Bureau of Corrections with detailed plans for expanding the furlough program at that correctional institution.

66. WE RECOMMEND THAT A SYSTEM OF EXTENDED PRIVATE INSTITUTIONAL VISITS BE ESTABLISHED AT MAINE'S ADULT CORRECTIONAL FACILITIES IN ORDER TO ACCOMODATE THE MAINTENANCE OF PERSONAL TIES BETWEEN INMATES AND OTHER PERSONS, WHO FOR SECURITY OR OTHER REASONS ARE ADMINISTRATIVELY INELIGIBLE FOR PARTICIPATION WITHIN EXISTING FURLOUGH PROGRAMS. (ADMINISTRATIVE)

Comment:

The present institutional furlough program is one of the more successful programs to be established by the Bureau of Corrections in recent years. Over 75% of the average inmate population at the Maine State Prison actually receives furloughs, with a cumulative program failure figure at the institution of only a little more than 1½%. We have recommended an expansion of the furlough program to a similar scope at all other Maine correctional institutions.

Perhaps one of the more significant benefits of the present furlough program for adult inmates is the opportunity for such persons to renew personal, marital, and family ties in their home community, away from an institutional setting, and for these reasons it is to be greatly preferred over any possible program of extended institutional visitation.

However, at any given time approximately 25% of the inmate population of the Maine State Prison, and higher percentages at other institutions, is ineligible to receive furloughs, and for legal reasons some inmates will never receive furloughs.

Accordingly, we believe that for this minority of the adult inmate population, extended private institutional visitation should be established to permit the maintenance of personal ties with wives, friends, and families and the satisfaction of the simple human need on the part of confined persons for periodic relaxation and companionship, in a reasonably secure setting, with persons who are not themselves inmates of correctional institutions.

In responding to similar needs, other states have established conjugal visiting programs focused narrowly on sexual contact. While such contact will be an element for some persons participating in the proposed visitation program as it is in the furlough program, the proposed private visitation program is designed to serve several broader ends in the rehabilitation of adult inmates. The Governor's Task Force on Corrections believes that the creation of institutional facilities where friends or entire families could visit inmates, not eligible for off-grounds furloughs, in private residential surroundings for a day or a weekend would add much to such offenders' receptivity to ongoing correctional programs and significantly reduce institutional tension caused by the strict confinement of substantial portions of an institutional population for extended periods of time.

We believe that it is easily feasible to establish such programs at adult correctional institutions in Maine in the near future, and we urge the Department of Mental Health and Corrections to do so at the earliest practicable date.

67. WE RECOMMEND THAT ADMINISTRATIVE ACTION BE TAKEN BY THE BUREAU OF CORRECTIONS TO ELIMINATE THE USE OF MILITARY-STYLED UNIFORMS AND ORGANIZATION BY GUARDS AND CORRECTIONAL OFFICERS AT MAINE CORRECTIONAL FACILITIES, AND THAT MORE INFORMAL BLAZERS AND SLACKS WITH THE STATE SEAL BE SUBSTITUTED FOR USE BY EMPLOYEES REQUIRING SOME FORM OF STANDARDIZED APPAREL. (ADMINISTRATIVE)

Comment:

An obvious and persistent problem at all correctional institutions is an almost traditional and time-honored factionalization and hostility between inmates and guard personnel. This artificially-maintained dichotomy between the "keepers and the kept" discourages interpersonal offers of treatment and assistance by individual employees, and seriously impedes the working effectiveness of any rehabilitative or reintegrative program.

Accordingly, we recommend an immediate deemphasis on military apparel, organization, and needless outward trappings of force by correctional employees at all institutions to the greatest extent possible. This recommendation contemplates the mandatory use of street clothes for all correctional employees whose duties include any administrative or rehabilitative assignments, or who have regular contact with the public, and the use of informal state blazers by line personnel having duties possibly requiring them to be quickly distinguished from the general inmate population in certain situations.

68. WE RECOMMEND THAT THE LEGISLATURE REVIEW THE PROVISION OF HOUSING ON INSTITUTIONAL GROUNDS FOR CORRECTIONAL EMPLOYEES TOWARD THE END OF PROHIBITING NON-DIRECT CARE ADMINISTRATIVE EMPLOYEES OF THE BUREAU OF CORRECTIONS FROM RESIDING ON INSTITUTIONAL GROUNDS IN HOUSING PROVIDED BY THE STATE, UNLESS THE PROVISION OF SUCH HOUSING IS DETERMINED BY THE COMMISSIONER OF THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS TO BE "FOR THE CONVENIENCE OF THE EMPLOYER" ACCORDING TO THE DEFINITIONS OF THE INTERNAL REVENUE CODE.
(ADMINISTRATIVE)

Comment:

Authors, journalists, and commentators have observed consistently that perhaps one of the major obstacles to correctional reform in the United States has been the "institutionalization" of correctional administrators. Such commentators argue forcefully that administrators and staff who are physically and psychologically attached to existing correctional institutions have a vested interest in their unchanged continuance, and that this is a major source of resistance to the implementation of community-based non-institutional corrections systems.

While the Governor's Task Force on Corrections has no way of knowing whether the above statements are true, it is a fact that much is known about the debilitating psychological effects for inmates and staff alike of living for prolonged periods within a controlled environment such as that which exists at most mental and correctional institutions in Maine. It is a fact also that in Maine most correctional administrators in the course of their careers will spend much more time in such environments than all but a small fraction of the inmate population of this state.

Prison reformers on the national level, including Sol Chaneles, author of the book, The Open Prison, have argued also that the provision of inmate domestic services and on-grounds housing for a wide range of institutional staff harkens back to a long-past and expensive period of isolated and self-contained custodial institutions run more as fortresses than community service centers, and that the provision of domestic services and on-grounds housing for top correctional administrators imparts a needlessly "baronial" character to the entire functioning of a correctional center.

Acting in response to such community attitudes and to a general change in attitude among correctional employees, Maine correctional administrators recently on their own eliminated the use of inmate domestic services for institutional employees. State supported housing for a variety of personnel, however, remains, and we believe that this practice should be dispassionately reviewed.

The Governor's Task Force on Corrections is in no way opposed to the provision of cheap, efficient housing for certain employees on institutional grounds where there actually exists a demonstrated need for such arrangements, and as a reasonable guide to the Legislature and to administrative officials concerning the real need for such housing in particular situations we recommend that the "for the convenience of the employer" test of Regulation §1.119-1 of the Internal Revenue Code be applied systematically to all such residences presently being maintained by the state.

69. WE RECOMMEND THAT LEGISLATION BE ENACTED ESTABLISHING A CLEAR CORRECTIONAL POLICY FOR THE STATE OF MAINE INCORPORATING THE PRINCIPLES THAT PUNITIVE INCARCERATION FOR ITS OWN SAKE SHOULD BE AVOIDED; THAT THE CORRECTIONAL PLACEMENT OF ALL CONVICTED PERSONS IN COMMUNITY CORRECTIONAL PROGRAMS OR OTHERWISE SHALL REPRESENT THE LEAST DRASTIC ALTERNATIVE CONSISTENT WITH THE PUBLIC SAFETY; AND THAT CONFINEMENT WHERE ORDERED SHALL BE USED ONLY WITH A VIEW TOWARD THE SAFE AND REASONABLE REINTEGRATION OF THE OFFENDER INTO SOCIETY. (LEGISLATIVE)

Comment:

Modern statutory policy direction is badly needed by the Bureau of Corrections. Commissioner Kearns and several institutional administrators in Maine have repeatedly called for such legislative ratification of new correctional directions, and the passage of such legislation in each state is called for specifically by the National Advisory Commission on Criminal Justice Standards and Goals.

We are proposing the passage of a five-section bill, stating:

(1) That the Maine correctional system should be administered in a manner designed to protect the public welfare and that the state believes the most effective manner in which to protect the public welfare over the long term is to assure that former offenders will not be forced needlessly into further criminal activities once they leave actual confinement in a penal institution.

(2) The State recognizes that simple incarceration is often self-defeating, and that the State adopts recommendation 5.2 (1) of the Report of the National Advisory Commission on Criminal Justice Standards and Goals to the effect that the final disposition of all criminal cases should be the "least drastic" method consistent with the offender's needs and the public safety, and that total confinement should be the last alternative considered;

(3) That it is to be the policy of the State to avoid punitive incarceration for its own sake, and that total confinement, when necessary, should be used only with a view toward the "safe and reasonable reintegration" of the offender into society, consistent with recommendations 5.2 and 5.3 of the National Advisory Commission on Criminal Justice Standards and Goals;

(4) That an enforceable right to reintegrative services is established on the part of inmates of Maine correctional institutions, guaranteeing a reintegrative and rehabilitative, rather than punitive, orientation of state correctional programs, to be enforceable by consumers of correctional services, consistent with recommendation 2.9 of the National Advisory Commission on Criminal Justice Standards and Goals; and

(5) That the Department of Mental Health and Corrections is directed to develop "to the maximum extent possible" community-based programs and facilities in lieu of institutionalization, consistent with the overwhelming advice of national commissions concerned with problems of corrections and prior private studies commissioned within the State of Maine.

PRE-RELEASE CENTERS

70. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS CONCENTRATE ITS COMMUNITY PROGRAMS RESOURCES IN THE NEXT FISCAL YEAR TOWARD THE ESTABLISHMENT AND MAINTENANCE OF A SYSTEM OF FOUR INSTITUTIONAL PRE-RELEASE CENTERS LOCATED IN THE URBAN AREAS OF BANGOR, AUGUSTA, LEWISTON-AUBURN, AND PORTLAND; AND THAT IN ORDER TO ALLOW BROAD UTILIZATION OF THE PRE-RELEASE SYSTEM BY ALL MAINE CORRECTIONAL INSTITUTIONS, WE RECOMMEND ONCE AGAIN THAT CRIMINAL SENTENCES BE MADE TO THE BUREAU OF CORRECTIONS RATHER THAN TO ANY SPECIFIC INSTITUTION.
(ADMINISTRATIVE)

Comment:

Over the long term, the development of a system of privately-controlled halfway houses in Maine is to be preferred greatly over the further development of institutionally-controlled community corrections programs such as "pre-release centers" and minimum security residential facilities. In the immediate future, however, we believe that much can be gained in the way of public education and an immediate lowering of institutional populations by encouraging the development of such centers in several urban areas throughout the state. The Maine State Prison is presently independently operating a pre-release center for 21 correctional inmates on the grounds of Bangor Mental Health Institute, and the present facility at Bangor easily has the capacity to house approximately 60 more inmates under various levels of security. Inmates at the center are involved in non-institutional community programs and outside employment in regular jobs with little resistance from the local community, and the entire program is running on substantially reduced per inmate costs than those existing at the main facility at Thomaston.

Such a state approach to involving correctional inmates in community programs is far preferable to those arrangements requiring residence in a maximum security county jail facility, or a minimum security jail-based "halfway house", and we believe that if successful and used for a wide variety of inmates, the continued maintenance of the Bangor pre-release center, and the establishment of others similar to it throughout the state could pave the way in the months ahead for the introduction of the utilization of privately-run halfway houses for similar inmates and for inmates who should never be confined in traditional correctional programs. In this manner also the institutional population of our centralized correctional facilities could be lowered dramatically within the near future, while truly community-based correctional programs are being developed to serve the needs of all segments of our correctional population.

CHAPTER III

GOVERNOR'S TASK FORCE ON CORRECTIONS

STATEMENT OF POLICY

Subcommittee on Post-Release Community Programs

Creating a Community-Based Aftercare System

The Governor's Task Force on Corrections believes that the best location for providing social and correctional services to offenders in Maine is in the community. With this simple premise established we believe that many of the policy decisions facing the people of Maine concerning the future of their correctional system will fall easily into place, and as a citizens body which has studied the problems involved, we urge the development of a truly community-based correctional system in this state as soon as possible.

Reduction of Average Periods of Confinement, With Consequent Reduction of Correctional Costs

The development of community-based corrections in Maine will have the following results. Penetration for individual offenders into the system will be minimized. Effective use of diversionary and delinquency prevention programs should significantly reduce the numbers of offenders committed to centralized institutions for long periods of time. Persons who do become involved with law enforcement agencies will be assisted if at all possible in the community, at substantially reduced costs to the state. Over the long term, if these community programs are successful in reducing the incidence of crime, the costs of community aftercare services will fall also.

Preparing Local Communities For Correctional Responsibilities

Realizing, however, that a certain number of offenders will always require institutional commitment for some period of time under even the most progressive sentencing policies, several things must be done within the institutions now to make the proposed aftercare system work. First, local communities must be prepared for the introduction of correctional programs and correctional clients into their geographical areas. The expansion of the institutional pre-release center programs will in the interim period pave the way for eventual substantial community involvement in the correctional process, and we believe that the development of institutional pre-release centers should be pressed, together with the initial development of the state's halfway house system. As the system matures, the further development of halfway houses should be given clear preference over the further development of institutional pre-release centers.

Initiating Aftercare at the Institutional Level

Secondly, we recommend generally that aftercare or post-release services

become an integral part of programs at the institutional level, and that careful planning be undertaken to focus correctional resources and personnel toward the provision of programs designed to assist each individual offender meaningfully in his reintegration into the community.

Establishing Participative Team Management by Correctional Employees

In the area of human services, it is generally recognized that participative management by objectives best provides the services required. Workers in this area, and particularly those concerned with correctional post-release services, should be directed within clearly delineated roles and should be provided with adequate training and all other resources and incentives to properly fulfill those roles. Each worker must realize that he is a member of a team with a special function in the organization and decision making of the team. He must be able to provide those services for which he is best qualified, and must enlist services from others on his team or from other governmental or private agencies according to the specific needs of his clients.

Coordinating the Provision of Voluntary Services to Offenders at the Community Level

Steps should be taken, including legislation, to provide for the fullest cooperation of all governmental agencies in providing appropriate voluntary services to offenders. In addition, substantial efforts may be required to make the local communities, the general public, and the public and private social service agencies receptive to the purposes of the new correctional process.

Restoring Full Rights to Former Offenders

Successful completion of the offender's community program should be determined by pre-arranged and realistic criteria, and both the public and private providers of such services should be held legally accountable for the quality of these services. Successful reintegration of the offender into the community, thus determined, shall be signaled by sustained successful performance in the community without subsequent conviction, and this is to be accompanied by actual restoration of all rights as a citizen without any lingering stigmatization because of prior criminal history.

CHAPTER III

GOVERNOR'S TASK FORCE ON CORRECTIONS

Subcommittee on Post-Release Community Programs

EMPLOYMENT AND HOUSING

71. WE RECOMMEND THAT LEGISLATION BE ENACTED PROHIBITING THE USE OF PRIOR CRIMINAL RECORD AS AN AUTOMATIC OR ARBITRARY BAR TO BEING LICENSED TO PRACTICE ANY TRADE OR OCCUPATION REGULATED BY THE STATE OF MAINE. THE LEGISLATION WE RECOMMEND WOULD PROHIBIT DENIAL OF OCCUPATIONAL LICENSES TO EX-OFFENDERS WITHIN THREE YEARS OF RELEASE FROM THE CORRECTIONAL SYSTEM SOLELY BECAUSE OF CRIMINAL RECORD, UNLESS THE APPLICANT'S PRIOR CRIMINAL ACTS DIRECTLY RELATE TO THE OCCUPATIONAL LICENSE SOUGHT. BEYOND THE THREE-YEAR PERIOD, EX-OFFENDERS WITHOUT SUBSEQUENT CONVICTIONS WOULD BE PROCESSED IN THE SAME MANNER AS ALL OTHER APPLICANTS BEFORE OCCUPATIONAL LICENSING BOARDS. (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that one of the most important factors discouraging continued criminal activity by ex-offenders once they are discharged from the correctional system is the obtaining of a good job. Obtaining jobs for ex-offenders, however, is very difficult, and we believe that one of the most appropriate ways for the State to help ease this problem is to assure that ex-offenders are treated largely in the same manner as other Maine citizens in applying for positions in skilled trades and other occupations licensed by the State.

There are presently 29 occupational licensing boards in Maine which may legally discriminate against applicants on the basis of prior criminal record. Three of the boards may deny a license to an ex-offender applicant simply because of prior criminal record; nineteen of the boards may deny a license to an ex-offender applicant because of lack of "good moral character" including a prior criminal record; and seven of the boards may deny a license to an ex-offender applicant for either the presence of a prior criminal record or the lack of "good moral character".

Although in practice most present Maine occupational licensing boards scrupulously assure that ex-offenders are given every consideration in applying for permission to practice a skilled trade or profession, it is the opinion of the Task Force simply that reasonable statutory guidelines are necessary to assure that ex-offenders applying to occupational licensing boards in the future are given the same considerations as are other Maine citizens.

In essence, we recommend the enactment of legislation outlining the degree to which state occupational licensing boards may take into consideration an applicant's prior criminal record when making licensing decisions, and prohibiting the denial of an occupational license to a former offender unless the license applied for "directly relates" to the applicant's prior criminal activity. The basic premise of our recommendation is that while the prior

conviction of any applicant, if relevant, should be considered fully and thoroughly by an occupational licensing agency, within reasonable time limits, in no case shall such a prior conviction constitute an automatic or arbitrary bar to obtaining a license to work.

Several states including Florida, California, and Washington have recently enacted similar legislation, and our recommendation is based substantially on these statutes and the recommendations of the National Clearinghouse on Offender Employment Restrictions of the American Bar Association.

72. WE RECOMMEND THAT LEGISLATION BE ENACTED PROHIBITING THE REQUEST OF INFORMATION CONCERNING PRIOR ARREST OR CONVICTION ON ANY WRITTEN APPLICATION FOR PRIVATE EMPLOYMENT OR EMPLOYMENT BY LOCAL POLITICAL SUBDIVISIONS OF THE STATE. (LEGISLATIVE)

Comment:

The Governor's Task Force on Corrections believes that the practice of requiring job applicants to disclose prior records of arrest or conviction on written applications should be prohibited for all public and private occupations not licensed by the State.

According to research undertaken both by Task Force researchers in the Portland area and statewide by a member of the Task Force itself who is the personnel director of one of the largest corporate employers in Maine, there apparently exists: (1) strong antipathy by many employers in Maine to the hiring of ex-offenders generally, regardless of the personal qualifications or criminal history of individual applicants; and (2) a general practice among many Maine employers of requiring all job applicants at the outset to disclose any prior criminal record on written applications for employment. While we believe that in all cases a job applicant should freely discuss his past history with his potential employer at the interview stage, if relevant, we believe that the combination of the two research findings outlined above raises the possibility that employers and personnel officers may automatically "screen out" ex-offender job applicants unnecessarily from equal consideration for employment at the very first stages of processing.

Governor Curtis, in Executive Order No. 8 FY-72 established in part that the policy of the State of Maine was to be that no person would be automatically disqualified from public employment solely because of prior criminal record. In addition, national organizations such as the American Bar Association and authors such as Robert Taggart III, The Prison of Unemployment, have recommended that mandatory disclosure of prior criminal record on applications for all employment be prohibited simply in order to allow the ex-offender job applicant threshold non-discriminatory treatment with his fellow job seekers in competing for jobs in the private sector. We believe, moreover, that the best way to ensure such equal treatment for ex-offenders is to remove the possibility that they will be automatically eliminated from employment consideration at the outset, simply because of gratuitous background information provided on a written application.

This recommendation applies only to jobs not recognized as deserving special "public trust" and not formally licensed by the State. Guidelines for

ex-offender employment in such public trust occupations appear in Recommendation #71.

73. WE RECOMMEND THAT THE GOVERNOR ISSUE AN EXECUTIVE ORDER PROHIBITING THE REQUEST OF INFORMATION CONCERNING PRIOR ARREST OR CONVICTION ON ANY WRITTEN APPLICATION FOR PUBLIC EMPLOYMENT BY THE STATE OF MAINE. (ADMINISTRATIVE)

Comment:

Since the promulgation of Executive Order No. 8, FY-72, ex-offenders, and to some extent ex-patients of mental institutions, have been employed by the State in greater numbers than ever before, and Maine has been cited by the American Bar Association for its leadership in this regard. Over the past year, however, testimony given before the Task Force by several state administrators, including Commissioner Kearns of the Department of Mental Health and Corrections, indicated that some state departments may be continuing to exclude ex-offender applicants from employment solely because of indication of prior criminal record on standardized application forms.

We recommend, therefore, that such requests for prior criminal record be simply removed from printed state job applications immediately by Executive Order, and that such an order be drafted specifically to reinforce the earlier provisions of Executive Order No. 8, FY-72.

74. WE RECOMMEND THAT 5 M.R.S.A. §4553 BE AMENDED TO EXTEND THE JURISDICTION OF THE MAINE HUMAN RIGHTS COMMISSION TO THE COMPLAINTS OF EX-OFFENDERS CONCERNING ALLEGED UNREASONABLE DISCRIMINATION IN THE AREAS OF EMPLOYMENT, HOUSING, CREDIT, ACCESS TO PUBLIC ACCOMODATIONS AND OTHER AREAS ENCOMPASSED BY THE PRESENT HUMAN RIGHTS COMMISSION STATUTE. (LEGISLATIVE)

Comment:

Ex-offenders, not only in Maine, but throughout the nation, are subject to a curious array of subtle and not-so-subtle actions by public and private agencies which almost unthinkingly and arbitrarily discriminate against them solely on the basis of their criminal history. Merely renting an apartment or buying an automobile on credit can often be a major obstacle for a recently-released prisoner.

The Maine Human Rights Commission has been entrusted with investigating the complaints of unreasonable discrimination in such areas concerning other Maine minority groups within the general population, and we believe that their professional staff will most appropriately be equipped to handle the similar problems of Maine ex-offenders.

75. WE RECOMMEND THAT LEGISLATION BE ENACTED PROHIBITING AUTO INSURANCE COMPANIES DOING BUSINESS IN THE STATE OF MAINE FROM PLACING EX-OFFENDERS SEEKING AUTO INSURANCE IN SO-CALLED "HIGH RISK" CATEGORIES SOLELY ON THE BASIS OF PRIOR CRIMINAL RECORD. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Research by the Task Force and the personal experiences of ex-offender members of the Task Force confirm that prohibitively high auto insurance rates are often assigned to ex-offenders in Maine solely on the basis of prior criminal history, and with apparently no actuarial basis whatsoever demonstrating that such persons individually are more likely to be involved in auto accidents than are other individual members of the citizenry.

"High risk" and "assigned risk" auto insurance rates are frequently prohibitively expensive for recently-released prisoners, and the problem is often unavoidable for such ex-offenders in Maine because state probation and parole officers usually require that their clients obtain auto insurance as a prerequisite to obtaining a current operators license. Furthermore, computer printouts from Project EXIT research in Maine indicate that lack of access to personal transportation among ex-offenders is a primary cause of job failure.

The Governor's Task Force believes that recidivism among recently-released ex-offenders is a very serious problem in Maine without the auto insurance companies unnecessarily adding to, and perhaps profiting excessively from the situation.

Our recommendation is simply to require through legislation that insurers of ex-offenders actuarially justify their assignment of such persons to high premium categories.

76. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS LAUNCH AN ACTIVE PUBLIC RELATIONS EFFORT TO: (1) PROVIDE THE BUSINESS COMMUNITY OF THE STATE WITH INFORMATION CONCERNING FEDERAL, STATE, AND PRIVATE PROGRAMS ASSISTING IN LOCATING EMPLOYMENT FOR EX-OFFENDERS, AND TO PROVIDE POTENTIAL EMPLOYERS WITH DETAILED INFORMATION CONCERNING GOVERNMENTAL ASSISTANCE TO BUSINESSES WHICH EMPLOY EX-OFFENDERS; AND (2) PROVIDE THE BUSINESS COMMUNITY WITH A DESCRIPTION OF THE TYPES OF VOCATIONAL AND EDUCATIONAL PROGRAMS OPERATING WITHIN THE CORRECTIONAL SYSTEM TRAINING INMATES IN PARTICULAR SKILLS OFTEN REQUIRED BY PRIVATE BUSINESSES.

OUR RECOMMENDATION CONTEMPLATES A DEPARTURE FROM THE TRADITIONAL APPROACH TO PUBLIC RELATIONS PRESENTLY BEING PRACTICED BY THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS, AND SPECIFICALLY CONTEMPLATES GREATLY INCREASED USE OF NEWSPAPER ADVERTISEMENTS AND "PUBLIC SERVICE" ADVERTISEMENTS ON BOTH THE RADIO AND TELEVISION NETWORKS OF THE STATE. (ADMINISTRATIVE)

Comment:

A frequent complaint from the few employers in the state who are actively involved in training and hiring ex-offenders is that little information is made available to them on a continuing basis by correctional public relations representatives concerning the employment problems and opportunities of ex-offenders. Frequently, jobs available to ex-offenders go unfilled simply because employers in the state continue to remain ignorant of institutional or Bureau-centered job development programs, or other state and federal work or educational assistance programs which include ex-offenders in their spending guidelines.

Correctional public relations in Maine appears to be oriented presently largely toward describing the achievements of correctional administrators and the activities associated with administering the institutions. The activities and problems of the clients of the correctional system, however, are often not

made part of the Department's public relations effort on a continuing basis. The Veterans Administration in Washington recently successfully overhauled its public relations effort, toward the ends of emphasizing the needs of its clients rather than merely reporting the activities of its administrators, and we are advocating a similar reorientation of public relations policy for the correctional agencies in Maine.

77. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS INCREASE ITS EFFORTS TO HIRE GREATER NUMBERS OF QUALIFIED EX-OFFENDERS IN DIRECT CARE, ADMINISTRATIVE, AND COUNSELLING POSITIONS BOTH IN PRESENT INSTITUTIONAL AND PROJECTED COMMUNITY-BASED CORRECTIONAL PROGRAMS, AND THAT GREATER USE BE MADE OF EX-OFFENDER AND INMATE PARA-PROFESSIONALS AT ALL LEVELS OF THE CORRECTIONAL SYSTEM IN MAINE. (ADMINISTRATIVE)

Comment:

Offenders often leave the correctional system with a strong commitment to continue working in the correctional field, both in privately-administered community programs, and in programs administered by the state. We believe, in short, that because of their commitment, experience, sense of perspective, and rapport with their clients, ex-offenders often make excellent and extremely effective correctional counselors. The Bureau of Corrections has assured us that it agrees with our assessment of the potential benefits to be gained by the direct employment of ex-offenders in Maine, and our recommendation is to request that the Bureau now actually follow through with its policy of hiring more qualified ex-offenders for administrative, and direct-care positions.

In addition, many present inmates of correctional facilities in Maine have the same commitment as ex-offenders to help persons in situations similar to their own. Some institutional administrators in Maine have recognized the substantial benefits to be derived from employing competent inmates as para-professional correctional assistants within the institutions themselves, and the Maine State Prison will be employing several inmates as para-professionals in the near future. The Task Force believes this to be a step toward increased cooperation and common purpose between inmates and correctional administrators and we urge that the practice be expanded and applied fully to all of Maine's correctional institutions.

HALFWAY HOUSES

78. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS GREATLY EXPAND ITS PLANNING OF A PROGRAM TO PROVIDE HALFWAY HOUSES AS AN ALTERNATIVE TO INSTITUTIONALIZATION FOR OFFENDERS IN MAINE, AND THAT SUCH A SYSTEM OF HALFWAY HOUSES BE TRULY COMMUNITY-BASED AND COMMUNITY-CONTROLLED AND DISTINCT IN PURPOSE AND OPERATION FROM FACILITIES WHICH ARE LARGELY EXTENSIONS OF LOCAL MAXIMUM SECURITY INSTITUTIONS SUCH AS COUNTY JAILS. (ADMINISTRATIVE)

Comment:

The halfway house program in the state of Maine, after several false starts, remains almost non-existent. With presently only one locally controlled halfway house (Pharos House, at Portland), and one state-controlled halfway house

(Phoenix House, on the grounds of the old Women's Correctional Center at Skowhegan), operating within the state. Halfway house correctional programs have proven to be a successful and economical alternative to institutional confinement for offenders throughout the nation, and yet out of a total offender group of 1500 persons served by Maine correctional institutions last year, only around 45 were served in halfway houses. This situation has continued in Maine despite the fact that costs per inmate served in halfway house residential programs averages only \$2,000 per inmate per average stay, while present costs per inmate served at all Maine correctional institutions averages \$15,212 per inmate per average stay.

This situation is also particularly unfortunate when one considers the fact that the administrators of the adult correctional institutions in Maine have repeatedly stated that between 80-90% of their present populations do not require the security measures built into their existing facilities, and that the only effective place to offer rehabilitative assistance to this large majority of Maine offenders is in the local community.

The establishment of community-based halfway houses as an alternative to institutionalization is a priority recommendation of both the National Advisory Commission on Criminal Justice Standards and Goals, and the Corrections study for Maine completed by the private consulting firm of Batten, Batten, Hudson & Swab. In the year since the submission of the National Advisory Commission study, and in the two years and four months since the completion of the Batten, Batten report, little movement has been observed within the Bureau of Corrections toward making community-controlled halfway houses a reality in Maine, and our recommendation is for the Bureau to concentrate on accelerating the planning and development of a community-controlled halfway house system in Maine as part of the development of a truly community-based correctional system for the state.

We believe, in short, that it is vital to ensure that halfway houses in Maine are community-controlled, developed in conjunction with institutional pre-release centers, and maintained separately from local correctional facilities such as county jails and the minimum security pre-release centers being established by the Maine State Prison. Halfway houses designed in part to undo the effects of prolonged institutionalization are patterned on largely democratic models which foster self-reliance and self-esteem among their residents, and we believe that such programs best survive in a setting physically removed from institutional grounds, and conceptually removed from institutional authority. Treatment methods in such halfway houses focus on the immediate tangible needs of the offender in a manner enabling him to develop greater independence and a greater sense of responsibility for his own life. It is necessary in such halfway houses that the offender be a participant in and not a recipient of the correctional process, and that a sense of responsibility to community standards of living become the offender's personal goal rather than a goal directed by external authoritative constraint. For these reasons, therefore, the Task Force believes that while the accelerated development in the immediate future of minimum security pre-release centers administered directly by the state will undoubtedly serve extremely important job training and resocialization functions in the short term for that substantial portion of our present prison population now being phased out of institutional confinement programs, halfway houses over the long term hopefully will serve a different correctional purpose, and we believe the programs should be kept physically and administratively separate.

79. WE RECOMMEND THAT, AS SOON AS ADMINISTRATIVELY POSSIBLE, AT LEAST SIX ADDITIONAL HALFWAY HOUSES BE ESTABLISHED TO LODGE OFFENDERS IN MAINE, ONE FACILITY EACH IN OR WITHIN COMMUTING DISTANCE OF AN URBAN CENTER IN THE COUNTIES OF

ANDROSCOGGIN, AROOSTOOK, CUMBERLAND, KENNEBEC, PENOBSCOT, AND YORK.
(ADMINISTRATIVE)

Comment:

Research completed by the Task Force indicates that approximately 75% of Maine's adult correctional inmates are former residents of these six counties. In pursuing a policy of returning convicted offenders to their former communities to receive assistance as soon as possible, it follows that the above six counties are priority target locations for initiating a halfway house system in Maine. Furthermore, since urban centers provide typically greater access to community resources such as employment opportunities, social service agencies, and mental health centers, Maine's initial halfway houses, we believe, would best be located in urban centers within these various counties.

In providing the necessary community-based residences, distinction must be made between those residences or halfway house programs to be utilized as alternatives to initial incarceration in an institution ("halfway-in" houses), and those residences or programs to be utilized primarily to reintegrate an offender into the community after some period of confinement ("halfway-out" houses). The recommendations in this report for a complete halfway house system contemplate some specialization among facilities, but with the comparatively small size and homogeneity of the Maine offender population we see no compelling reason to separate different types of offenders generally among different halfway house facilities in all cases.

We believe that such community-based halfway houses should be utilized by the Bureau of Corrections early in the sentence of all but those categories of the most dangerous, violent, habitual, or professional criminals defined in Standard 5.3 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals. And finally, we believe that guidelines for the use of such residences must be based on an intelligent assessment of offenders' needs rather than simple time remaining to be served on sentence, and that all offenders in Maine should be first considered for halfway house placement within six months of initial incarceration.

80. WE RECOMMEND THAT HALFWAY HOUSES IN MAINE, WHETHER OR NOT FUNDED BY STATE OR FEDERAL AGENCIES, SHOULD BE LOCALLY-CONTROLLED AND MANAGED, AND IN ORDER TO ASSURE SUCH LOCAL CONTROL WE RECOMMEND THAT INDIVIDUAL HALFWAY HOUSES BE CHARTERED AS NON-PROFIT CORPORATIONS WITH BOARDS OF DIRECTORS COMPOSED BASICALLY OF THE FOLLOWING TYPES OF PERSONS: LOCAL COMMUNITY LEADERS; A REPRESENTATIVE OF THE BUREAU OF CORRECTIONS; RESIDENTS OF THE HALFWAY HOUSE; AND A MEMBER DESIGNATED BY THE STATE PAROLE BOARD. (ADMINISTRATIVE)

Comment:

Local control of the management of halfway houses is necessary to assure that both the residents of the facility and the local community in which the facility is located have a sufficient stake in its successful operation. At the same time, representation on the managing board of directors from state agencies such as the Bureau of Corrections and the Parole Board is vital to ensure quality control over the administration of residential programs, and to provide a needed link with a variety of state correctional and social services available to halfway house residents. Wherever possible, local community

residents elected to the boards of directors of halfway houses should represent a cross-section of community attitudes on correctional policy.

The duties of the local boards of directors for each halfway house shall include obtaining continuing public and private funding for the halfway house, locating suitable physical structures for its residential programs, establishing initial procedures and rules for the house management, hiring a business manager to carry out administrative duties, entering into contracts for purchase of local social services where appropriate, and coordinating volunteer services available at no cost from the community. The Task Force believes that this general division of authority, along with responsibility for the day-to-day management of the house's programs being shared by the paid and voluntary staff of the house and the house's residents, is the most practical model for providing a range of services designed to reintegrate a changing halfway house population back into the community.

81. WE RECOMMEND THAT INITIAL FUNDING OF HALFWAY HOUSE RESIDENCES IN MAINE BE ASSUMED BY THE STATE AND OTHER GOVERNMENTAL SOURCES, AND THAT OVER THE LONG TERM, RESPONSIBILITY FOR CONTINUED FUNDING OF THE SYSTEM BE TRANSFERRED AS MUCH AS POSSIBLE TO LOCAL PUBLIC SOURCES OF REVENUE AND PRIVATE CHARITABLE ORGANIZATIONS. (LEGISLATIVE) (ADMINISTRATIVE)

Comment:

Halfway houses are expensive undertakings. A budget for a typical facility such as we are proposing, housing 12-16 Maine residents is projected at approximately \$80,000 per year, excluding initial costs of real estate acquisition. Because, however, an integrated system of halfway houses such as that proposed here will operate on high turnover rates, and will undoubtedly reduce the average length of stay for inmates at all adult correctional institutions in Maine the ultimate financial cost to the taxpayer per convicted offender in this state will almost assuredly drop substantially within the first few years of the system's operation.

For these reasons we feel it is appropriate to seek initial funding for the system from the state and from federal agencies such as the Law Enforcement Assistance Administration of the Department of Justice, and to move toward as much local financial support as possible for the system as soon as the start-up phase of the project is completed.

A healthy state interest in the monitoring of halfway house program quality will be required throughout the system's life, and some continuing state financial support for the system may be required for many years at lower levels of per offender costs than the state is now paying. However, several halfway house projects throughout the nation such as the Delancy Street Foundation in California are entirely self-supporting, and the goal of each halfway house in Maine will be to become similarly self-supporting.

82. WE RECOMMEND THAT THE SELECTION OF RESIDENTS FOR HALFWAY HOUSES BE ACCOMPLISHED IN INDIVIDUAL CASES COOPERATIVELY BY THE MANAGEMENT OF THE HALFWAY HOUSE AND THE APPROPRIATE STATE AGENCY SUCH AS THE BUREAU OF CORRECTIONS, THE PAROLE BOARD, OR THE JUDICIARY. GUIDELINES FOR PLACEMENT OF INDIVIDUAL OFFENDERS FROM HALFWAY HOUSES SHALL BE ESTABLISHED COOPERATIVELY BY THE ABOVE

AGENCIES, INCLUDING THE PROVISION THAT TRANSFER TO A HALFWAY HOUSE FROM AN INSTITUTION SHALL BE ONLY AT THE FREE CHOICE OF THE INDIVIDUAL CONCERNED.
(ADMINISTRATIVE)

Comment:

Selection of potential halfway house residents must be a cooperative undertaking in order to assure both the continued viability of the facility's programs, and the receptivity of the offender to those programs. Halfway houses are typically tightly-knit communal organizations geared toward reintegrating residents into the outside community as quickly as practicable. A large part of the success of the process is directly dependent on the residents themselves, and a great deal of cooperation will be required between halfway house staffs and the judicial and correctional systems to ensure that the entire system functions smoothly.

83. WE RECOMMEND THAT IN ADDITION TO PROVIDING SUPERVISED RESIDENTIAL SERVICES FOR OFFENDERS RECENTLY RELEASED FROM CONFINEMENT, HALFWAY HOUSES IN MAINE SERVE AS MULTI-PURPOSE OFFENDER RESIDENTIAL FACILITIES, TO BE UTILIZED FOR WORK RELEASE AND EDUCATIONAL RELEASE PROGRAMS, PRE-PAROLE PREPARATION, TEMPORARY OR LONG-TERM FURLOUGH RESIDENCES FOR SPECIAL OFFENDERS NOT ABLE TO OBTAIN UNSUPERVISED FURLOUGHS, AND RESIDENTIAL FACILITIES FOR INMATES PARTICIPATING IN PRE-TRIAL AND POST-CONVICTION COMMUNITY PROGRAMS. (LEGISLATIVE)

Comment:

A variety of situations usually arise concerning the short-term housing and supervision of certain offenders released into the community for various purposes ranging from furloughs to parole. Alternatives presently available for housing and in some cases supervising such persons both on their way out or back into a correctional institution are on the one hand maximum security confinement in county jails or municipal lockups, or on the other hand no housing or supervision at all.

Work releasees are presently locked into county jails in Maine at the end of the day, as are their cellmates returning from afternoon college classes, and yet there is virtually unanimous agreement among Maine state and county correctional officials that such a degree of security for most people is not necessary. In addition, parolees in trouble are often apprehended and scheduled for revocation of parole and return to the institution, when short-term residential crisis intervention counseling would perhaps better solve the problem, simply because there are no supervisory alternatives available to local authorities.

For these reasons, we recommend that halfway houses in Maine serve varied functions in filling present gaps in the provision of services to both offenders and correctional administrators.

VOLUNTEER PROGRAMS

84. WE RECOMMEND THAT THE STATE CONTRACT FOR THE CREATION OF A COMMUNITY-BASED CORRECTIONAL VOLUNTEER SERVICE AGENCY WHOSE FUNCTION SHALL BE PARTLY:

(1) TO SOLICIT, SCREEN, AND CHANNEL CITIZEN VOLUNTEERS INTO SPECIFIC PROGRAM NEEDS WITHIN THE CORRECTIONAL SYSTEM; (2) TO ASSIST COMMUNITY ORGANIZATIONS OFFERING VOLUNTEER SERVICES IN OBTAINING PUBLIC RELATIONS COVERAGE AND FUNDING FOR THEIR ACTIVITIES; (3) TO ACT AS A CENTRAL LIASON BETWEEN COMMUNITY ORGANIZATIONS OFFERING VOLUNTEER SERVICES AND STATE AND LOCAL CORRECTIONAL AND CRIMINAL JUSTICE AGENCIES; AND (4) TO PROMOTE PUBLICLY THE OPPORTUNITY FOR THE USE OF VOLUNTEER SERVICES THROUGHOUT THE CORRECTIONAL AND CRIMINAL JUSTICE SYSTEMS. (LEGISLATIVE)

Comment:

State-administered volunteer programs in the corrections field in Maine have proved disappointing. The "Volunteers in Probation and Parole" program presently being administered by the Bureau of Corrections is two years old, and its active roster of identifiable volunteers to work with probationers and parolees in Maine remains at only 51 persons for the entire state.

What is needed is a centralized effort for identifying, training, and referring volunteers to specific program needs throughout the correctional and criminal justice systems. Volunteers, in short, often do excellent and entirely free work in the corrections and criminal justice areas. Organized correctional volunteer programs of substantial size have successfully emerged recently in the states of Washington, Massachusetts, New York, Delaware, Minnesota, California, and elsewhere, and it is the common experience of most of these programs that volunteers often provide a personal link between the offender and the remedial resources necessary to assure the successful reintegration of the offender into his former community.

In Maine, there exist numerous local chapters of national volunteer organizations such as Literacy Volunteers; the United States Jaycees; the Service Corps of Retired Executives (S.C.O.R.E.); Soroptimists International; The National Alliance of Businessmen (N.A.B.S.); the American Friends Service Committee; the National Center for Voluntary Action; and others which have active correctional and criminal justice programs, and who presumably would eagerly accept the opportunity to become involved with Maine correctional programs. Several local Maine organizations such as S.T.E.P., Ingraham Volunteers, S.C.A.R., and C.O.M.B.A.C. have also done independent work within the correctional system.

Coordination and intelligent direction for all of these agencies would prove to be a substantial boon to the correctional system and its clients in Maine. The Cooperative Extension Service of the University of Maine has done some work of this type on its own in the past, and our recommendation is for the state to support an expanded effort of this type.

85. WE RECOMMEND THAT THE GOVERNOR DIRECT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS TO EXPAND ITS CONTACTS WITH COMMUNITY-BASED VOLUNTEER PROGRAMS IN THE CORRECTIONAL FIELD AND THAT IT MORE ACTIVELY ENCOURAGE PARTICIPATION BY PERSONS INVOLVED IN SUCH PROGRAMS IN ALL AREAS OF THE CORRECTIONAL PROCESS; AND THAT THE COMMISSIONER REPORT BACK TO THE GOVERNOR NO LATER THAN JANUARY 1, 1975 CONCERNING PROGRESS IN THIS REGARD. WE FURTHER RECOMMEND THAT THE SUPERINTENDANTS OF ALL CORRECTIONAL INSTITUTIONS IN THE STATE BE DIRECTED TO DESIGNATE ONE ADMINISTRATIVE EMPLOYEE TO COORDINATE VOLUNTEER SERVICES AT THE INSTITUTIONAL LEVEL. (ADMINISTRATIVE)

Comment:

As discussed in recommendation #84, volunteer programs within the correctional system in Maine have lacked coordination and direction in the past. Our recommendation is to provide executive impetus to expand the use of community-based volunteer correctional programs before the end of the present year, and to provide clearly identified coordinators at the institutional level for such programs. In part, it is our recommendation specifically that the coordinators designated at the institutional level design continuing programs to provide prospective volunteers with adequate orientation and training to familiarize such persons with the environment and needs of the prospective client, and to provide these volunteers with professional guidance and support during the course of their programs.

PAROLE

86. WE RECOMMEND THAT ALL INMATES OF CORRECTIONAL INSTITUTIONS APPEARING BEFORE THE FULL STATE PAROLE BOARD FOR THE CONSIDERATION OF ANY MATTER RELATING TO POSSIBLE PAROLE FROM A CORRECTIONAL INSTITUTION BE PERMITTED TO HAVE COUNSEL PRESENT AND PARTICIPATE AT THE APPEARANCE, OR BE PERMITTED TO PRESENT ANY OTHER ADVOCATE OF THE INMATE'S CHOOSING, AND THAT THE STANDARD OF JUDICIAL REVIEW OF THE PROPRIETY OF PAROLE BOARD DECISIONS BE ESTABLISHED AS THOSE DECISIONS SUPPORTED BY A "PREPONDERANCE OF EVIDENCE ON THE RECORD". (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Under present practices, parole affords a convicted person the opportunity to be conditionally released into the community after the expiration of the minimum term attached to his offense, and before the expiration of the maximum term for that offense. As such, it is the most important occurrence during the time spent in prison for any convicted person outside of his original appearance in court before sentencing. Since possible release from a correctional institution on the basis of an appearance before the Parole Board involves basic issues of liberty, and is so crucial to an individual inmate in terms of his eventual length of stay in prison and of his participation in institutional programs while incarcerated, we believe that representation by legal counsel should be allowed at such appearances.

Furthermore, parole from incarceration is not an automatic right in this state, and must be earned by an inmate through proven behavior at the institution. As such, parole hearings are often largely fact-finding in nature, and under such circumstances we believe it would be most helpful to both the inmate and to the Parole Board to have counsel for the inmate present.

Since the loss of liberty is not directly at stake in a parole grant hearing, we recommend that potential parolees be permitted also to select for such hearings appropriate counsel substitutes in lieu of counsel, within the confines of Standards 2.2 and 12.3 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals.

Secondly, in comments presented to the Task Force several members of the Maine State Parole Board argued convincingly that the burden of proof to sustain

full board decisions upon possible judicial review of those decisions should be raised to that of a "preponderance of evidence on the record" instead of the present standard subjecting the Board's decisions only to fairly narrow procedural review within the existing statutory grant of substantive authority.

Under the present burden of proof it is almost impossible to overturn a Parole Board decision in Maine and the Board itself, together with the Task Force, feels that it should be held to a higher standard of care in dealing with decisions that affect the continued imprisonment of convicted persons.

87. WE RECOMMEND ANNUAL PAROLE STATUS REVIEW IN SOME FORM FOR ALL INMATES OF CORRECTIONAL INSTITUTIONS, AND WE RECOMMEND THAT INMATES APPEARING BEFORE THE FULL STATE PAROLE BOARD FOR POSSIBLE GRANT OF PAROLE BE GIVEN COMPLETE ACCESS TO ALL INFORMATION UPON WHICH THE BOARD EVENTUALLY BASES ITS DECISION. IN THE CASE OF WRITTEN DOCUMENTS AND FILES, WE RECOMMEND THAT THE POTENTIAL PAROLEE HAVE ACCESS TO THEM PRIOR TO THE PAROLE BOARD HEARING. IN THE CASE OF ORAL EVIDENCE, WE RECOMMEND THAT THE POTENTIAL PAROLEE BE PRESENT WHEN SUCH TESTIMONY IS GIVEN, OR IF THIS IS NOT POSSIBLE THAT HE BE GIVEN LATER ACCESS TO TAPE RECORDINGS OF THE ENTIRE PROCEEDING. (ADMINISTRATIVE)

Comment:

Mandatory annual review of all correctional inmates' parole status is an administrative measure that is increasingly finding favor within many state correctional systems. The Governor's Task Force on Corrections believes that the establishment of such a system is desirable to guard against the possibility of prisoners serving extended terms of confinement simply being "administratively forgotten" by correctional authorities, and with the establishment of a full-time administrative assistant for the Parole Board by the Special Session of the 106th Legislature we believe that the initiation of such annual parole status review is now possible in Maine.

In addition, at the actual hearing stage of the parole process before the full Parole Board, further safeguards are needed. Since the parole hearing is for the inmate the link between release and continued incarceration, it is of utmost importance that information upon which the Parole Board bases its decisions be accurate. We believe that there are important rights involved in such hearings concerning confrontation of witnesses, hearsay, unreliable evidence, and other matters including simple administrative errors. Since the potential parolee is in the best position to press his case in pointing out possible inaccuracies in testimony and written information presented to the Parole Board, we believe that procedural due process requires that the Parole Board as an administrative body confine its decision-making to evidence presented on the record, and that potential parolees in each case should have access to everything presented to the Parole Board as part of that record.

88. WE RECOMMEND THAT THE GENERAL CONDITIONS FOR PAROLE SUPERVISION, AS DELINEATED ON THE "CERTIFICATE OF PAROLE" SIGNED BY THE INMATE AND THE PAROLE BOARD AT THE TIME OF RELEASE, BE ELIMINATED WITH THE EXCEPTIONS OF THE REQUIREMENTS THAT THE PAROLEE NOT LEAVE THE STATE WITHOUT PERMISSION AND THAT THE PAROLEE MAINTAIN REGULAR COMMUNICATION WITH THE PROBATION AND PAROLE OFFICE TO WHICH THE PAROLEE IS ASSIGNED. (ADMINISTRATIVE)

Comment:

General conditions of parole in Maine prohibit parolees from changing jobs, changing residences within a parole district, or purchasing a motor vehicle without first consulting with or obtaining permission from their assigned parole officers. In some cases parolees are even forbidden to undertake any of the above actions without the prior permission of their parole officers, and all parolees are required to consult with their parole officers before making purchases on credit or applying for a marriage license.

In our present age, these conditions seem unnecessarily restrictive as applied to some persons leaving correctional institutions, so long as such persons do not leave the jurisdiction of the Parole Board without permission, and so long as regular and consistent contact is maintained with the responsible parole office. The present list of general conditions of parole in Maine are applied arbitrarily to all parolees, and they often serve no useful purpose other than to irritate countless new parolees and to harass their harried parole officers. With the obvious growing maturity of our correctional inmate population, it would seem appropriate to give persons within that population who are successful in gaining parole a degree of personal responsibility for their own actions more comparable to that allowed other members of the outside community.

We recommend, therefore, that conditions of parole applied generally to all persons be eliminated, with the exception of the two conditions outlined above, and that the Parole Board assign further conditions of parole to individual persons only on a case by case basis.

89. WE RECOMMEND THAT WARRANTS FOR PAROLE REVOCATION OR ARREST BE SERVED ONLY BY APPROPRIATE LAW ENFORCEMENT AGENCIES, AND NOT BY EMPLOYEES OF THE DIVISION OF PROBATION AND PAROLE, AND THAT UNDER NO CIRCUMSTANCES SHALL PROBATION AND PAROLE OFFICERS BE PERMITTED TO CARRY FIREARMS. (ADMINISTRATIVE)
(LEGISLATIVE)

Comment:

An employee of the Division of Probation and Parole is a social service worker, not a county sheriff. Much debate has arisen recently, however, concerning the supposed need for parole officers to carry firearms in order to afford themselves an adequate measure of protection when serving arrest and revocation warrants on parole violators. We believe, very simply, that the Division of Probation and Parole, as a social service entity, is an entirely inappropriate agency to be arresting its own clients at the point of a gun, and that therefore its employees should have no need of being armed.

This is especially true when one considers the multitude of other state, local, and county law enforcement agencies readily available to perform the same law enforcement functions, and when one considers the possible serious degree of harm to trust relationships between individual parolees and their assigned officers which might be caused by the specter of the Division of Probation and Parole arming itself against the clients it is supposedly assisting with the provision of social service resources.

90. WE RECOMMEND THAT PAROLEES BE DETAINED NOT LONGER THAN IS NECESSARY AND IN NO CASE LONGER THAN 72 HOURS PENDING PROBABLE CAUSE HEARINGS FOR VIOLATION

OF PAROLE, NOR LONGER THAN 21 DAYS FOLLOWING A FINDING OF PROBABLE CAUSE AND PENDING FINAL REVOCATION HEARINGS BY THE PAROLE BOARD. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

The loss of liberty for a person under sentence by the revocation of parole is the loss of a right protected by the 14th Amendment. As such, certain minimum requirements of due process must be observed. The State of Maine is presently in substantial compliance with Morrissey v. Brewer, 408 U.S. 471 (1972), and yet because of the importance of the issue of the potential extended loss of liberty prior to a final determination of the facts in a parole revocation case, we recommend that specific guidelines be adopted administratively by the Department of Mental Health and Corrections covering such situations.

The Morrissey decision specifies that a detained parolee shall be given a probable cause hearing "as soon as possible" after being apprehended, and we suggest that this language be interpreted more specifically as meaning "as soon as possible, but in no case later than 72 hours after arrest, unless waived by the parolee."

Under present practice also, if probable cause is found, the final parole revocation hearing is held at the correctional institution "as soon as the Parole Board again meets at that location" and we suggest that that practice be interpreted administratively to mean "in no case later than 21 days after original detention of the parolee, unless waived by the parolee."

In the past, serious injustices have occurred in Maine when parolees, eventually found innocent of all charges have spent up to three months in confinement awaiting a final determination by the Parole Board, and we wish to ensure that such injustices do not occur again.

91. WE RECOMMEND THAT LEGISLATION BE ENACTED REORGANIZING THE PRESENT ELEMENTS OF THE DIVISION OF PROBATION AND PAROLE OF THE BUREAU OF CORRECTIONS INTO: (1) A DIVISION OF PROBATION; AND (2) A DIVISION OF COMMUNITY SERVICES.

THE DIVISION OF PROBATION SHALL BE ADMINISTRATIVELY SEPARATE FROM THE DIVISION OF COMMUNITY SERVICES AND SHALL ACT IN BOTH A SUPERVISORY CAPACITY FOR PROBATIONARY CASES FROM THE COURTS AND AS AN INVESTIGATIVE RESOURCE FOR THE COURTS AND ADMINISTRATIVE TRIBUNALS IN REGARD TO PRESENTENCE REPORTS, FURLOUGH REPORTS, AND PARDON AND COMMUTATION REPORTS. THE DIVISION OF COMMUNITY SERVICES SHALL ACT AS A RESOURCE AGENCY FOR BOTH PURCHASING AND DIRECTLY PROVIDING VOLUNTARY SOCIAL SERVICES TO PERSONS RECENTLY RELEASED FROM CORRECTIONAL INSTITUTIONS AND RESIDING IN THE OPEN COMMUNITY.

IN ADDITION, WE RECOMMEND THE IMPLEMENTATION OF A MODIFIED "TEAM APPROACH" TO THE PROVISION OF VOLUNTARY SOCIAL SERVICES TO PERSONS RECENTLY RELEASED FROM CORRECTIONAL INSTITUTIONS AND TO PERSONS PARTICIPATING IN COMMUNITY-BASED CORRECTIONAL PROGRAMS, PATTERNED AFTER THE HIGHLY SUCCESSFUL TEAM SPECIALIST APPROACH IN DEALING WITH CHRONIC SOCIAL WELFARE CLIENTS NATIONALLY AND IN MAINE. UNDER THE NEW APPROACH, THE CASELOAD-CLIENT SYSTEM WOULD BE ABOLISHED, AND SIMPLE PAROLE SUPERVISION AS IT PRESENTLY EXISTS WOULD BE ELIMINATED. SOCIAL SERVICES WOULD BE PROVIDED TO PERSONS ONLY ON A VOLUNTARY BASIS, AND FIELD REPRESENTATIVES OF THE DIVISION OF COMMUNITY SERVICES WOULD ACT EXCLUSIVELY AS 24-HOUR CORRECTIONAL CRISIS INTERVENTION COUNSELLORS, AND PURCHASERS OF NEEDED TEAM

SOCIAL SERVICES FROM EXISTING SOCIAL SERVICE AGENCIES. (ADMINISTRATIVE)
(LEGISLATIVE)

Comment:

This recommendation accomplishes basically two things: first, a simple separation of probation from parole functions within the present administrative setup of the Bureau of Corrections; and secondly, a drastic reorientation of the manner in which social services are supplied to parolees. Presently, the Division of Probation and Parole attempts simultaneously to provide both supervisory and investigative services to various courts and administrative bodies, as well as rehabilitative and social services to persons recently released on parole. This has proved to be an impossible task. A survey of all probation and parole officers in Maine on a variety of issues conducted by the Task Force showed that probation and parole officers are deeply confused, frustrated, and concerned over their conflicting roles, and that if anything they tend to view themselves as enforcement and supervision officers, to the detriment of providing needed social services to their parolee clients.

We believe simply that a lot of this apparent confusion and duplication of effort can be cured through administrative reorganization and job specialization, and only in this way do we believe that both functions of the present Division can be accomplished successfully within the Bureau of Corrections.

In addition, simple parole supervision has proved to be statistically a useless service, and a substantial waste of money for the Maine taxpayer. National studies, and conclusions drawn from the Project EXIT data in the State of Maine, show that there is little correlation between close parole supervision and the provision of services to parolees, and the reduction of recidivism for previously convicted persons. In fact the only clear statistical correlation which emerges for the Maine inmate population under the present parole system, is that between participation in the present parole system, and further crime.

Under such a situation, radical new suggestions in the way we approach handling the problems of persons released from confinement are in order, including elimination of the traditional supervisory role of the parole officer, along with his ludicrously large caseload. Released offenders residing in the community have social service requirements similar to those of social welfare clients and persons released recently from mental institutions, and as we have seen, traditional supervisory approaches to parole have failed. There presently exists a functioning social service "team system" in every county in Maine under the administration of the Department of Health and Welfare, along with a complementary system of community mental health centers. We are recommending very simply that the Bureau of Corrections use existing resources to buy into this system for parolees and for all persons under sentence residing in the community.

92. WE RECOMMEND THAT TRAINING FOR EMPLOYEES OF BOTH THE PROPOSED DIVISION OF PROBATION AND THE DIVISION OF COMMUNITY SERVICES NOT BE LIMITED TO A TRAINING PERIOD PRIOR TO COMMENCEMENT OF ACTUAL ON THE JOB DUTIES, BUT THAT MANDATORY INSERVICE TRAINING OF AT LEAST TWO WEEKS EACH YEAR BE INSTITUTED FOR ALL SUCH EMPLOYEES, AND THAT CHANGES BE MADE IN THE PERSONNEL LAW TO PROVIDE INCENTIVES FOR ACADEMIC ADVANCEMENT AND ON THE JOB EXPERIENCE. (LEGISLATIVE) (ADMINISTRATIVE)

Comment:

The Governor's Task Force on Corrections believes that if correctional programs are to succeed anywhere, they will do so most likely in the community. Accordingly, the most important persons in the entire correctional process will increasingly be those persons employed at the community level. As such, competent inservice training programs and continued academic advancement, together with increased compensation for such advancement are crucial to the maintenance of a truly effective community corrections program. We contemplate mandatory two-week training periods for all correctional specialists employed at the local level, together with state assistance and paid leaves of absence for employees seeking advanced educational degrees, and we propose to support it financially with a reallocation of present institutional resources.

CHAPTER IV

GOVERNOR'S TASK FORCE ON CORRECTIONS

Internal Administrative Recommendations for the Maine Bureau of Corrections

STATEMENT OF POLICY

Establishing a Commitment to Community Corrections

The Governor's Task Force on Corrections believes that the success of many of the changes in policy direction we have recommended for the correctional system of the State of Maine is tied closely to the development of a sincere commitment to the goals of community corrections within the Bureau of Corrections, and to the development of organizational capabilities necessary actually to achieve the goals of such a correctional system. After a year's close hand observation of the Maine Bureau of Corrections, it is the opinion of the Task Force that there exists a sincere commitment to community-based corrections at various levels of the present administrative structure, and that this commitment will undoubtedly become much more widespread as evidence of the effectiveness of community-based corrections grows and as experience in such programs on the part of all correctional employees widens.

Providing the Tools for Correctional Change

Beyond merely possessing the commitment necessary to the sustained reshaping of an established and traditional public agency, however, public administrators must also possess the legal and organizational tools and adequate statutory authority actually to achieve their purposes. Such tools, however, are conspicuously lacking within the present Maine correctional system. For years, Bureau administrators have limped along with inadequate staff, ill-defined responsibilities, and virtually no planning capability to anticipate future needs and to evaluate current practices. Throughout its period of operation, the Task Force was struck repeatedly with these administrative short-comings. The following recommendations are designed specifically to assist Bureau administrators in solving this situation, and hopefully to increase the likelihood substantially that many of our substantive recommendations will eventually be implemented.

ADMINISTRATIVE RECOMMENDATIONS

93. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS IMMEDIATELY UNDERTAKE A CONCENTRATED ADMINISTRATIVE EFFORT DIRECTED AT IMPROVING ITS PLANNING AND MANAGEMENT CAPABILITIES AT THE BUREAU AND INSTITUTIONAL LEVELS, TOGETHER WITH THE INITIATION OF A CONTINUING PLAN FOR THE IMPLEMENTATION OF BUREAU-WIDE GOALS AND OBJECTIVES ARRIVED AT THROUGH A SYSTEM OF "PARTICIPATORY MANAGEMENT" INVOLVING EMPLOYEES AT ALL LEVELS OF THE CORRECTIONAL SYSTEM. (ADMINISTRATIVE)

Comment:

The highest priority need for the improved administration of the Bureau of Corrections is the development of a permanent and innovative planning capability adequate to guide the Bureau successfully in establishing a workable community-based correctional system for the State of Maine. The importance of this continuing need can hardly be overstated, and the success of everything that we have proposed in this report will ultimately depend directly on the willingness and ability of Bureau-level planning personnel to implement such a total system of community corrections.

Central to this effort is the development of a system translating determined public policy into precise goals and objectives for the correctional system of the state. Until the spring of 1974, however, the Bureau of Corrections did not possess a full-time planner, and the consideration of Bureau-wide goals reflecting long-term, intermediate, and short-range institutional and community-based objectives was largely not occurring, with the notable exception of an often independently innovative planning effort at the Maine State Prison. In fact, at the start of the Task Force's investigations, almost seven years after the creation of the Bureau of Corrections, correctional institutions in this state were still operating largely autonomously on what appeared to be sometimes contradictory courses, and this is particularly regrettable in that a primary reason for the creation of the Bureau of Corrections initially was to fashion the various institutions and correctional programs of this state into an integrated whole.

Specifically, we are recommending that the fledgling Bureau-level planning effort be augmented substantially, placed on a permanent basis, and that opportunities be established for Bureau employees of all levels to participate in the initial goal-setting process and to respond to the unified Bureau plan in its draft stages. We believe strongly that given the history of autonomous institutional units in Maine, changing program emphasis, the need for financial resource reallocation, and external demands for sometimes fundamental correctional change, there is a pressing need to create now what the National Advisory Commission on Criminal Justice Standards and Goals refers to as a "favorable organizational climate" applying the sound planning techniques of business and government to manage this change successfully.

94. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS IMMEDIATELY TAKE ADMINISTRATIVE ACTION TO OVERHAUL ITS STATISTICS AND RECORDS-KEEPING SERVICES, AND THAT IT THOROUGHLY INVESTIGATE THE FEASIBILITY OF LARGELY COMPUTERIZING THESE FUNCTIONS, TOGETHER WITH INMATE CLASSIFICATION, EDUCATIONAL, JOB-TRAINING, EMPLOYMENT APTITUDE, AND PAROLE RECORDS ON A RESIDENT COMPUTER TERMINAL FACILITY OPERATED UNDER THE PRISON INDUSTRIES PROGRAM AT THE MAINE STATE PRISON. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Throughout the Task Force's period of operation, student researchers working for the Task Force and the Task Force staff itself was continually frustrated by the apparent lack of standardized record-keeping procedures for all Maine correctional institutions at the Bureau of Corrections level. Apparently, each correctional institution in the state continues to record inmate and correctional program information largely autonomously, and the only institution which currently publishes a usable statistical abstract is the Maine State Prison.

This situation makes adequate on-going evaluation of present correctional programs among institutions, and among inmates who serve time at more than one institution, impossible, and seriously hampers the Bureau's overall planning capability.

The Maine Management and Cost Survey recommended computerization of inmate records at the Maine State Prison, as a simple bookkeeping measure and we believe that the same reasons argue convincingly for centralized computer storage for the inmate records of all institutions. Placement and operation of the service within the prison industries program at the Maine State Prison, and connected to Augusta by terminal, would help substantially to defray long-term costs of operation, and would additionally allow continual training of several adult male inmates at the Prison in well-paying and highly demanded skills.

95. WE RECOMMEND THAT THE BUREAU OF CORRECTIONS IMMEDIATELY BEGIN DETAILED PLANNING FOR THE EVENTUAL REALLOCATION OF PRESENT FINANCIAL AND STAFFING RESOURCES TO COMMUNITY CORRECTIONAL PROGRAMS, PREDICATED ON THE RECOMMENDATIONS OF THIS REPORT, CONTEMPLATING A GENERAL DECREASE IN THE TOTAL REMAINING RESIDENTIAL CORRECTIONAL POPULATION OF MAINE, AND CONTEMPLATING THE CLOSING OF AT LEAST ONE MAJOR CORRECTIONAL INSTITUTION. WE RECOMMEND THAT ATTEMPTS BE MADE IN ADVANCE TO DETERMINE AVERAGE COSTS OF ALL PROJECTED PROGRAMS REQUIRED UNDER THE NEW SYSTEM, AND THAT WITHIN THE PRESENT FISCAL YEAR THE BUREAU ACTUALLY BEGIN TO SET UP, AS MUCH AS IS ADMINISTRATIVELY POSSIBLE OUT OF REALLOCATED CORRECTIONAL APPROPRIATIONS, THE FISCAL SUPPORT NECESSARY FOR THE INITIAL TRANSITION TO THE PROPOSED COMMUNITY-BASED CORRECTIONAL SYSTEM. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Many of the recommendations contained within this report are tied to the ability of the Bureau of Corrections to reallocate present levels of institutional spending to the purchase of services for non-institutional correctional clients in the community, in lieu of the state providing direct services to such clients. This has been the administrative pattern of other state correctional and mental health systems successfully undergoing similar transitions, and while we realize that in Maine there will always exist substantial fixed costs in the maintenance of custodial correctional programs for even a reduced residential inmate population, our recommendations contemplate actions which will undoubtedly free up significant percentages of present correctional appropriations for other purposes, and these appropriations we propose to use to fund the initial establishment of the community-based correctional programs of the recommended system.

To make this all possible, however, two things are needed immediately

for correctional administrators: (1) greater budgeting flexibility to allow institutional administrators to shift portions of institutional funding to community correctional programs as institutional populations decrease; and (2) the rudiments of a "program budgeting" system capable of accurately establishing present and projected institutional and community program costs. Only with such fiscal flexibility, and only with such a system of budgeting, even though it may parallel present state budgeting practices in the short term, can accurate projections of correctional expenditures for the community-based system be made.

96. WE RECOMMEND THAT A MANPOWER DEVELOPMENT AND TRAINING SYSTEM BE ESTABLISHED FOR THE ENTIRE BUREAU OF CORRECTIONS AND THAT THE BUREAU DESIGNATE THE PRESENT TRAINING AND STAFF DEVELOPMENT SPECIALIST OF THE DIVISION OF PROBATION AND PAROLE AS THE STAFFING COORDINATOR FOR THIS PROGRAM. (ADMINISTRATIVE)

Comment:

The Maine Bureau of Corrections has one staff person assigned the responsibilities for inservice training and staff development. He is the Assistant Director for Probation and Parole and serves staff needs in that Division only. The Task Force recommends that these services be extended to all units within the Bureau of Corrections and that a manpower development and training system be established for the Bureau. In this connection, a great deal of "front end" training is needed, preceded by a thorough analysis of specific service needs and skills required by the type of correctional system we are recommending.

Regarding the immediate manpower and staff development needs of the Bureau of Corrections, a great deal more information is required as to actual staff effectiveness. Numerous studies of the effectiveness of personnel in the correctional field and in other human service programs show little or no correlation between size of worker caseloads and recidivism to institutional programs. More information is needed relative to the knowledge and skills required to achieve given results, and the Task Force recommends first, that only the most essential staff positions be added to present Bureau programs pending analysis and evaluation of specific service needs; and secondly, that expanded purchase of community services be utilized in lieu of providing direct service to correctional clients through state employees to reduce future Bureau personnel levels.

Other immediate tasks for the staffing specialist for the Bureau of Corrections shall be to develop an open program of correctional recruitment, together with the increased hiring of ex-offenders and former volunteers, periodic review of job tasks, and the updating of job descriptions, the development of a two-way Bureau-wide staff appraisal system, specific training to develop "negotiating" methods vis-a-vis employees and inmate organizations, encouragement of the participation of labor organizations and inmate-sponsored organizations at all levels of the correctional process, concentration on the evaluation of interpersonal competence and human sensitivity for correctional employees, "demilitarization" of institutional dress and organization, and the critical review and implementation of as many of the recommendations of Standards 14.1 - 14.11 of the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals as is administratively appropriate.

97. WE RECOMMEND THAT THE PRESENT POSITION OF THE DIRECTOR OF THE BUREAU OF CORRECTIONS BE REMOVED FROM CIVIL SERVICE STATUS, AND THAT A TWO-YEAR PROBATIONARY PERIOD BE ATTACHED TO THE POSITIONS OF DIRECTOR OF THE DIVISION OF PROBATION AND PAROLE, AND THE SUPERINTENDANTS OF THE MAJOR STATE CORRECTIONAL INSTITUTIONS. WE RECOMMEND ALSO THAT A MANAGEMENT SELECTION SYSTEM SIMILAR TO THAT PRESENTLY OPERATING WITHIN THE BUREAU OF MENTAL HEALTH BE ESTABLISHED WHEREBY TOP CORRECTIONAL ADMINISTRATORS WOULD BE HIRED DIRECTLY BY THE COMMISSIONER OF MENTAL HEALTH AND CORRECTIONS WITH THE ADVICE AND CONSENT OF A CITIZENS' ADVISORY BODY SUCH AS THE PROPOSED CORRECTIONAL ADVISORY COMMISSION. (LEGISLATIVE)

Comment:

The present method of establishing job qualifications for top-level correctional administrative positions, and actually selecting applicants to fill those positions is heavily weighted toward preferring those persons with substantial experience in closely related occupations in the Maine and other correctional systems. While such a personnel selection system operated well during a time when correctional administrators were expected to do little more than oversee the running of custodial programs at large and centrally located correctional facilities, recent pressures toward deinstitutionalization and diversification of correctional services have made a personnel selection system geared to choosing specialists skilled in traditional correctional practices outmoded.

The Governor's Task Force on Corrections believes strongly that what is presently needed at the top levels of our changing correctional system is a team of "generalist" administrators and managers, skilled, not in simple institutional management, but more broadly in the criminal justice and social service disciplines related to the causes and prevention of crime. As correctional facilities in Maine increasingly reallocate their present residential populations to more modern and complex community-based programs, the need for personnel reorientation at the highest levels will become even more apparent. Accordingly, we are advocating that the Director of the Department of Mental Health and Corrections be given a much less restricted hand in choosing his subordinates in the correctional field, similar to his present authority in the mental health field, so that the types of professional skills we will increasingly require to administer correctional programs at the highest levels can be easily obtained.

98. WE RECOMMEND THAT AN ADMINISTRATIVE PROJECT BE UNDERTAKEN IMMEDIATELY BY THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS TO IDENTIFY MAJOR AND MINOR SECTIONS OF TITLE 34 OF THE MAINE REVISED STATUTES FOR POSSIBLE RECODIFICATION, TOWARD THE ENDS OF ELIMINATING NEEDLESS AND PERSISTENT VAGARIES OF OUTLINED ADMINISTRATIVE AUTHORITY AT BOTH THE BUREAU AND DEPARTMENTAL LEVELS, AND TO ELIMINATE MINOR CONFLICTS OF LANGUAGE AND ANACHRONISTIC DESCRIPTIONS OF DISCONTINUED POLICIES AND PRACTICES. (ADMINISTRATIVE) (LEGISLATIVE)

Comment:

Throughout the period of the Task Force's existence, the staff of the Task Force especially was struck with what appeared to be consistently poor draftsmanship and unusually vague language of the corrections chapters of Title 34 of the Maine Revised Statutes. In short, a substantial portion of Title 34

is a patchwork quilt of frequently-amended statutes, addressing correctional programs largely in terms of individual institutions, and defining no clear lines of authority except in the broadest of terms for either the Director of the Bureau of Corrections or the Commissioner of the Department of Mental Health and Corrections. According to testimony presented before the Task Force by correctional administrators, some of the statutes are simply ignored, while other sections of even a more inscrutable nature are the subject of frequent opinions of the Attorneys General assigned to the Department of Mental Health and Corrections.

The Governor's Task Force on Corrections believes that neglect can settle on an area of our laws only so long before an overhaul of simple language becomes necessary, and such a situation is doubly unfortunate when top level administrators in a period of rapid correctional change turn increasingly to the statutes for policy guidance. We believe simply that a thorough review should be made of the entire body of Title 34 to identify those sections which must be redrafted to establish clear legislative intent, and then that the whole be recodified into a comprehensive correctional statute, consistent with the legislative recommendations of this report.

99. WE RECOMMEND THAT THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS ESTABLISH A PERMANENT TIMETABLE FOR PERIODIC REVIEW BY PROFESSIONAL MANAGEMENT CONSULTANTS OF THE ADMINISTRATION OF THE BUREAU OF CORRECTIONS AND THE VARIOUS STATE-ADMINISTERED COMMUNITY PROGRAMS DEALING WITH OFFENDERS IN MAINE, TOWARD THE ENDS OF ASSURING THE MOST EFFICIENT ADMINISTRATION OF CORRECTIONAL PROGRAMS AND THE GREATEST EFFECTIVENESS OF THOSE PROGRAMS IN ACTUALLY RESPONDING TO THE SOURCES AND PROBLEMS OF CRIME IN THIS STATE, WITHIN DETERMINED STATE POLICY. (ADMINISTRATIVE)

Comment:

Periodic review of administrative practices by external and impartial professional observers is essential to the health and innovative spirit of any public organization. In entering a period of transition from custodially-oriented to community-based correctional programs, it is important that the Bureau of Corrections have easy and periodic access to professional services which can assist it in carrying out the newer policies outlined by the National Advisory Commission on Criminal Justice Standards and Goals, the Governor's Task Force on Corrections, and other public bodies. Over the long term, public funds expended for professional management assistance usually prove to be an extremely economical investment, and we recommend that the periodic and judicious use of such assistance be made a routine part of Bureau administrative planning.

100. WE RECOMMEND THAT A CONTINUING AND INTERNAL EVALUATION PROGRAM BE DEVELOPED TO MONITOR THE EFFECTIVENESS OF ALL INSTITUTIONAL AND COMMUNITY-BASED PROGRAMS ADMINISTERED BY THE BUREAU OF CORRECTIONS TO ASSURE THAT STATE RESOURCES ALLOCATED TO THE GOALS OF REDUCING FIRST-OFFENDER AND REPEATED CRIMINAL ACTIVITY IN MAINE ARE ACTUALLY ACHIEVING THESE GOALS. SPECIFICALLY WE RECOMMEND THAT A SYSTEM BE DEVELOPED IMMEDIATELY TO IDENTIFY THE DEGREE OF SUCCESS OF PRESENT STATE CORRECTIONAL PROGRAMS, AND THAT OF THE PROGRAMS RECOMMENDED BY THIS REPORT AS THEY ARE IMPLEMENTED, IN REDUCING CRIME IN MAINE. THE EVALUATION PROGRAM SHOULD HAVE THE SPECIFIC GOAL OF QUICKLY ALTERING OR

ELIMINATING MEASURABLY INEFFECTIVE CORRECTIONAL PROGRAMS ON A CONTINUING BASIS, AND EXPANDING THOSE PROGRAMS WHICH ULTIMATELY PROVE SUCCESSFUL IN RATIONALLY DIVERTING AS MANY PERSONS AS POSSIBLE FROM THE CORRECTIONAL SYSTEM, AND IN SUCCESSFULLY REINTEGRATING INTO THE COMMUNITY THOSE PERSONS ALREADY CAUGHT UP IN THE CRIMINAL AND CORRECTIONAL PROCESS. (ADMINISTRATIVE)

Comment:

A common problem within bureaucratic institutions is that the programs they administer and the services they provide usually face no external "market test" capable of naturally weeding out current programs and services which simply do not achieve their intended purposes at reasonable cost, within the public policy of the state. Under such a system, historically ineffective policies and programs can continue indefinitely, at substantial financial and social costs, without the system going visibly bankrupt.

The Maine correctional system presently has no internal evaluation system to measure the effectiveness of its present methods of operating, and we believe this to be the root source of many of its continuing problems, and the root source also of many of the continuing problems of its clients.

We recommend simply that a comprehensive evaluation process be superimposed on the proposed expanded goals and objectives planning process for all correctional programs remaining under the administration of the state. Such a system should set reasonable program goals, monitor progress toward established objectives, and make recommendations for rational legislative and administrative decisions regarding a program's future based on observed objective performance, all in cooperation with public bodies representative in part of consumers of the programs being evaluated.

Other private and public social services to be purchased by the correctional system in the community should be evaluated according to "performance contracting" methods, and continued only so long as the performance achieved measures up to the objective standards for success agreed upon at the time of original purchase of the service.

APPENDIX A

Basic Statistics and Comparative Models of the Present and Proposed Maine Correctional System

Figure 1 and Figure 2 attached represent two models of Maine's correctional system based on the following variables:

- (a) the number of offenders who were served within the Maine correctional system in fiscal years 1973 and 1974;
- (b) the degree of structure and offender supervision observed or proposed within and between correctional programs (indicated by the relative position of programs or institutions on the horizontal axis); and
- (c) the degree of self-developmental treatment opportunities provided by the various present or proposed correctional programs, including the degree of educational and vocational training, and social and psychological services provided (indicated by the relative position of programs or institutions on the vertical axis).

Figure 1 represents the present Maine correctional system based on the variables mentioned above. The relative positions of each correctional program identified along both the vertical and horizontal axes were determined from personal observations of programs existing at all Maine correctional institutions, from discussions and interviews with administrators, staff, and offenders within the Maine correctional system, and from program analyses of the amount of money actually spent at various facilities for the functions of custody, psycho-social services, and educational and vocational training (See Figure 3). The placement of each program depicted along the vertical and horizontal axes are not meant to denote absolute values concerning the worth of individual existing programs, but rather only relative observable characteristics of programs in relation to one another within an existing system.

The numerical data upon which Figure 1 is based were gathered from a number of sources, including the Maine Superior and District Court systems, the Maine Bureau of Corrections, each correctional institution in the state, the administration of both Pharos House and Phoenix House, and various published documents of the Maine Bureau of Corrections including all available annual reports of institutional and program operations, and the recently completed Maine County Jail Inspection Report. Most figures given on a per year basis are derived from a verified computer analysis of the 1972-73 fiscal year. Although some population flow figures for the 1973-74 fiscal year were available at the time this section of the report went to press, verified 1973-74 statistics were not available at that time for all existing Maine correctional institutions and programs, and we have used 1974 fiscal year figures only for the Women's Correctional Center/Stevens School situation where a significant change had occurred from previous reporting periods. The 38,500 criminal case

base figure for the model, supplied to us by the Maine District and Superior Court systems, represents all criminal cases processed each year in Maine, excluding traffic offenses.

Dysfunctionalism or system breakdown, is demonstrated in the model of the present correctional system by the downward left to right flow of some offenders through the system from institutional to community life; and what is suggested by the model is that the present system, with its clear emphasis on custody and supervision, is geared to the provision of such services towards these ends to the detriment of providing adequate rehabilitative and reintegrative community programs for most Maine offenders. Without entering the ongoing debate as to whether basically coercive correctional institutions can be effective in the rehabilitation and smooth reintegration of most offenders into their former communities, the model suggests that the present system in Maine simply isn't successful at this task, regardless of whether it could be made so. In other words, the model demonstrates how the Maine system actually works to mitigate against the successful rehabilitation of some offenders.

The model does not imply that there is a breakdown in the system for all offenders passing through Maine correctional facilities. Many offenders in fact are able to readjust adequately to community pressures upon release or discharge from the correctional system. Many offenders, however, are not able to adjust adequately, and the numbers of persons with records of repeated criminal behavior are plentiful enough within the present system to be of concern. Furthermore, those offenders who do readjust properly to community living do so apparently in spite of the marked change in settings from institutional to community life.

In the body of its report, the Task Force has recommended the establishment of community-based correctional programs both as an alternative to incarceration, and as a series of "decompression chambers" designed to reintegrate formerly institutionalized inmates back into the community. It should be noted here that some state correctional institutions now administer some forms of graduated custodial programs for inmates passing through their facilities, but the model clearly shows that such programs are presently not available in Maine as a reasonable alternative to incarceration, and that the institutional reintegrative programs which do exist presently handle only a small fraction of our confined population. Under the present correctional system, there also appear sharp breaks in the degree of supervision and assistance given to offenders at various stages of the criminal justice and correctional processes, and we believe this indicates a misallocation of present public resources; a critical lack of program services to persons at various stages of the law enforcement, county jail, and criminal court processes; and a high incidence of serious program dysfunctions for offenders presently passing through the Maine correctional system.

In layman's terms, we believe, that the present Maine criminal justice and correctional system (as depicted by Figure 1) is not designed as well as perhaps it should be, given the characteristics of persons presently passing through it; and secondly, that beyond this, the Maine criminal justice and correctional system in practice often does not even work as well as it was designed.

The model in Figure 2 depicts a Maine criminal justice and correctional system based on the same variables as those applied to the model in Figure 1. Figure 2, however, incorporates the major recommendations of the Task Force

included in the preceding report. It assumes that with the implementation of the changes recommended by the Task Force, that there will be greater efficiency in the allocation of present public resources, less lack of program services to persons at various critical levels of the criminal justice process, and less dysfunction for the offender passing through the Maine correctional system. Figure 2 contemplates also a marked increase by all elements of the present Maine criminal justice system in the use of probation, group homes, halfway houses, multiple-use institutional pre-release facilities, and community and court-based diversionary services, and contemplates a marked decrease in the numbers of convicted persons confined in residential Maine correctional institutions for long periods of time. The various specific changes required to implement the elements of a reorganized correctional system in Maine as depicted in Figure 2 are described throughout the main body of the Task Force's report.

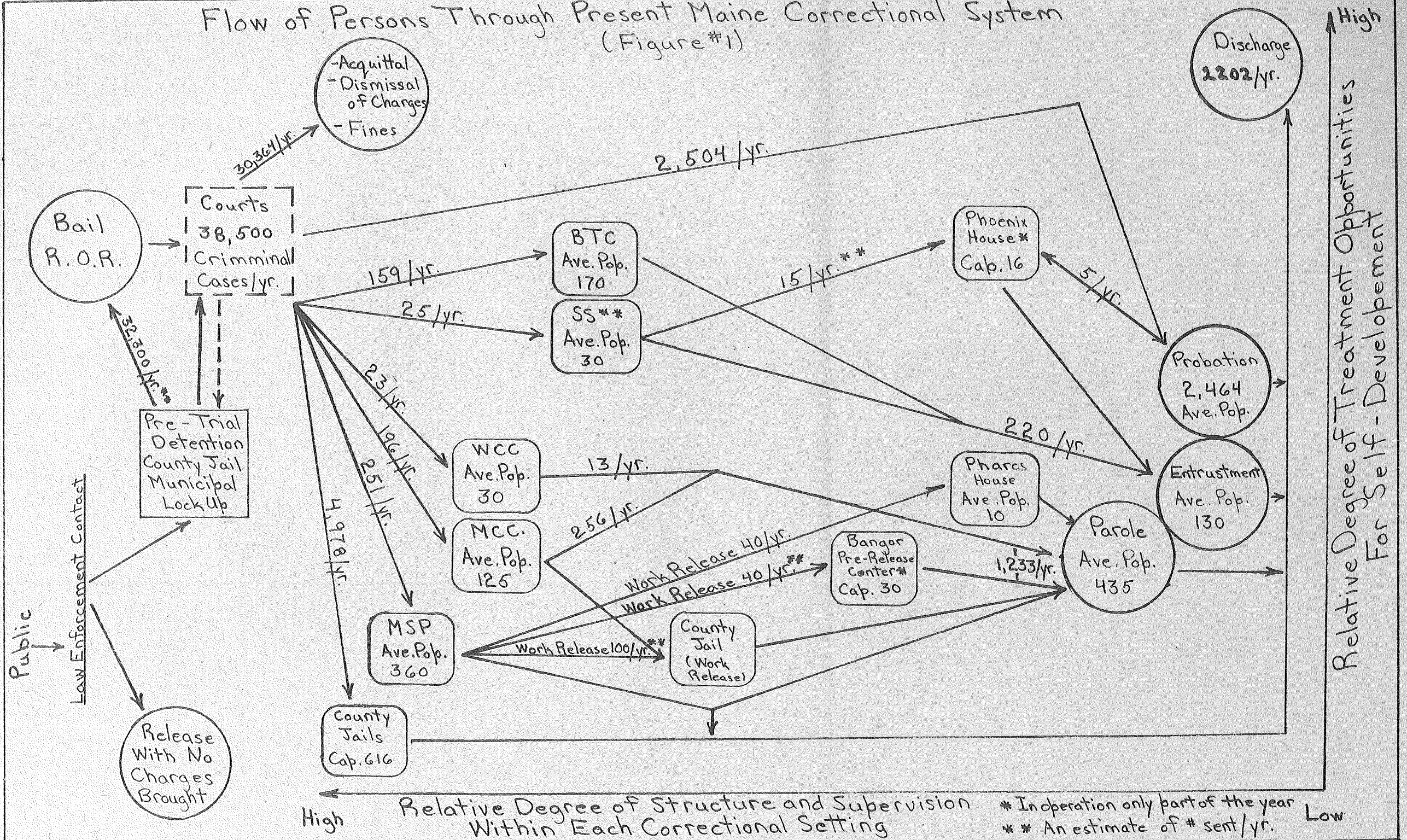
Figure 3, mentioned previously, graphically depicts the present allocation of resources in absolute dollars at all existing Maine correctional institutions.

Figure 4, on the other hand, depicts graphically the relative costs per year and costs per stay for offenders handled presently within differing Maine correctional programs. Abbreviated initialed titles in both graphs refer to existing institutions, and the "P/P" column in Figure 4 refers to per client costs of present Probation and Parole services of the Bureau of Corrections.

Figure 5 depicts the total amount of money budgeted to be expended by the Bureau of Corrections for the 1973-74 fiscal year. The table includes both state appropriations and federal grant money, and is intended to demonstrate the breakdown of actual money spent by the Bureau of Corrections for various of its activities during the last fiscal year, and the costs per offender per year, and per offender per stay, between existing Maine institutional and community-based programs.

Ronald D. Deprez
Consultant

Flow of Persons Through Present Maine Correctional System (Figure #1)



August, 1974

Flow of Persons Through Proposed Maine Correctional System (Figure #2)

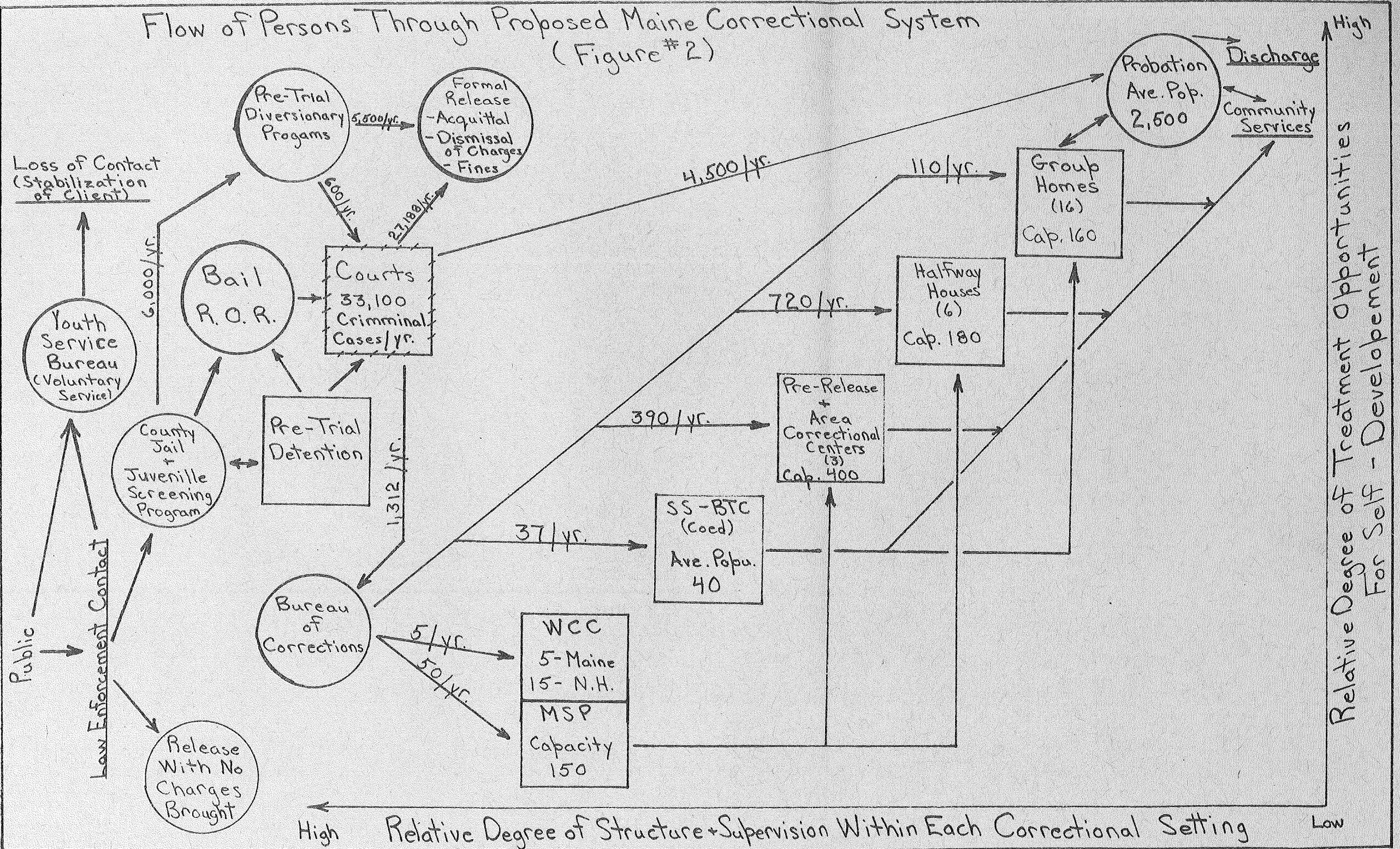


FIGURE 3

COST/YEAR ALLOCATED TO CORRECTIONAL INSTITUTIONS FOR CUSTODIAL AND TREATMENT FUNCTIONS

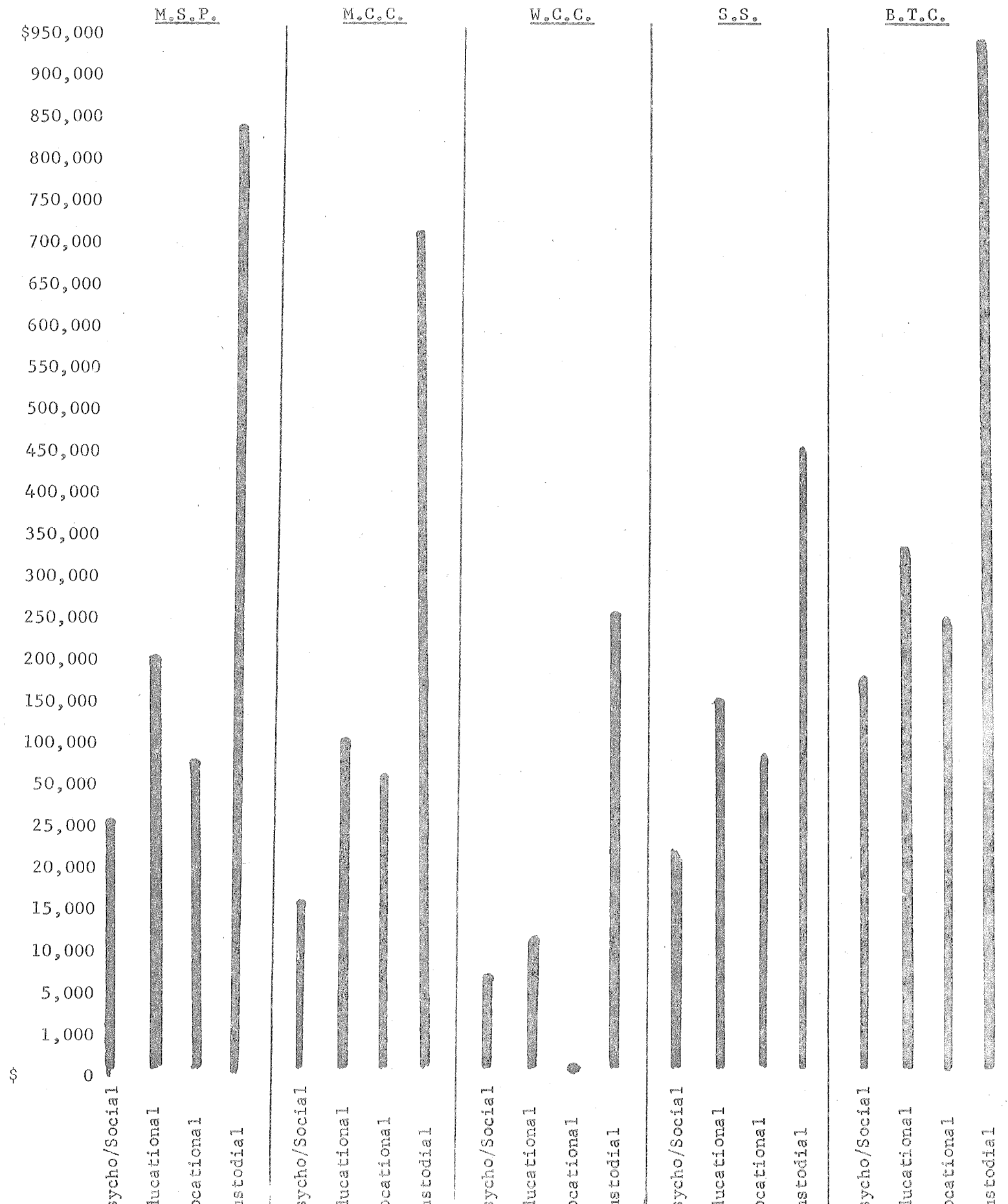


FIGURE 4

COST PER PERSON PER YEAR AND PER AVERAGE STAY IN VARIOUS CORRECTIONAL SETTINGS

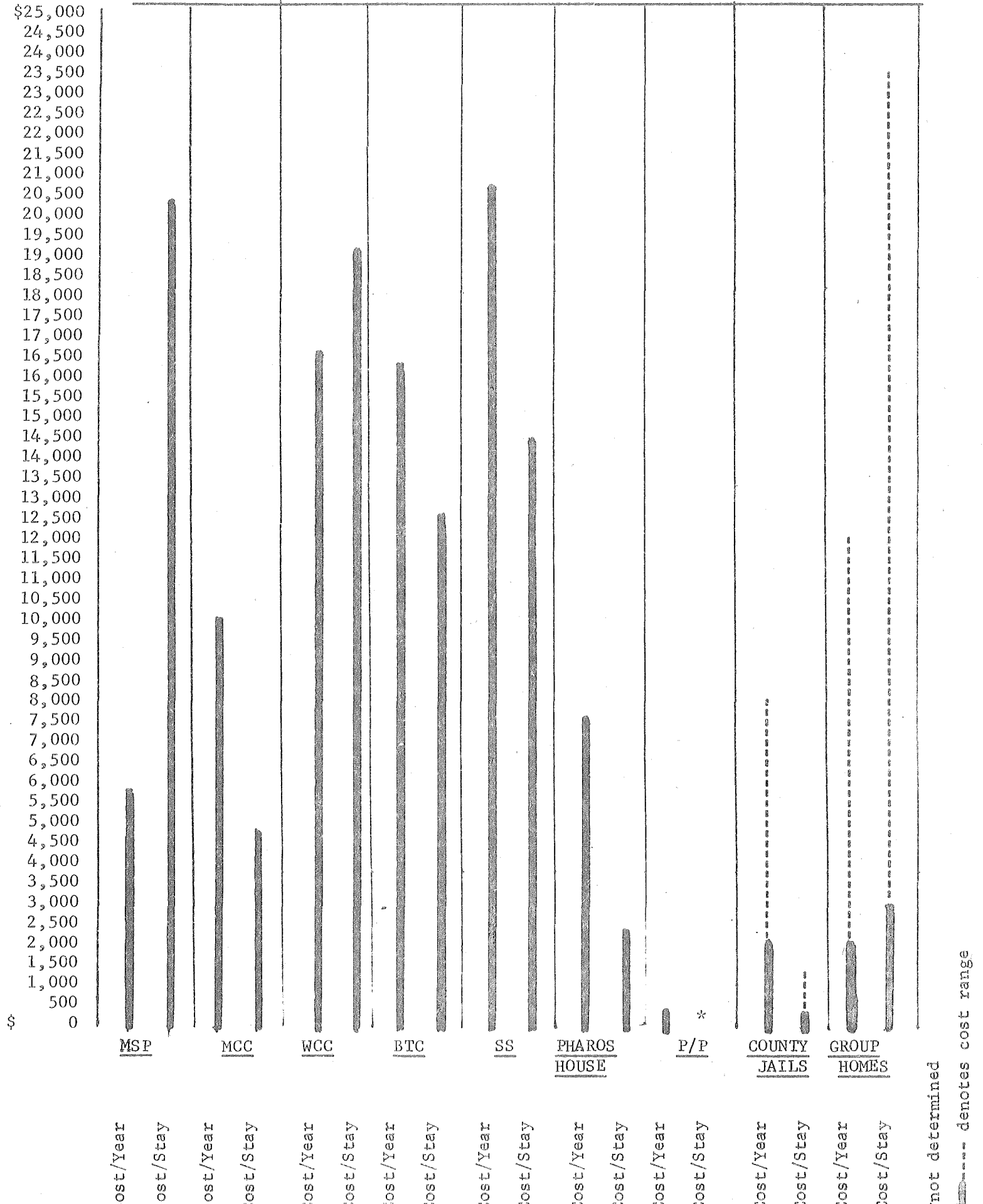


FIGURE 5

POPULATION AND COSTS OF COMMUNITY AND STATE CORRECTIONAL SETTINGSState Institutional Costs*

	<u>M.S.P.</u>	<u>W.C.C.+</u>	<u>M.C.C.</u>	<u>B.T.C.</u>	<u>S.S.+</u>	<u>TOTALS</u>
Total Expenditures	\$2,128,939	\$452,427	\$1,244,649	\$2,779,167	\$1,234,268	\$7,839,450
Average Inmate Population	361.2	27.5	124.5	169.6	58.3	741.1
Average Length of Stay	3.4 yr.	1.16 yr.	.47 yr.	.77 yr.	.67 yr.	2.0 yr.
Cost of Inmate/Year	\$ 5,894	\$ 16,452	\$ 9,997	\$ 16,381	\$ 21,120	\$ 10,578
Cost of Inmate/Av. Stay	\$ 20,040	\$ 19,084	\$ 4,698	\$ 12,613	\$ 14,150	\$ 15,212
Total Expenditures-Education	\$ 52,182	\$ 11,957	\$ 88,654	\$ 316,897	\$ 153,879	\$ 623,569
Total Expenditures-Voc. Training	\$ 189,480	**	\$ 62,213	\$ 227,821	\$ 72,665	\$ 552,179
Total Expenditures-Psycho-Social Services	\$ 32,697	\$ 7,361	\$ 14,000	\$ 149,040	\$ 22,792	\$ 225,890
Psycho-Social Services/Inmate/Year	\$ 90	\$ 268	\$ 112	\$ 879	\$ 391	\$ 305
Total Expenditures-Custodial	\$ 800,170	\$247,625	\$ 708,714	\$ 892,609	\$ 444,565	\$3,093,683
Custodial/Inmate/Year	\$ 2,215	\$ 9,004	\$ 5,693	5,263	7,625	\$ 4,174

Community Corrections Costs*

	<u>Pharos House</u>	<u>P/P</u>	<u>County Jails</u>	<u>Group Homes</u>
Total Expenditures	\$ 75,000	\$913,545	-----	-----
Average Population	10	2,899	949-4,470	18-130
Cost/Year/Offender	\$ 7,500	\$ 316	\$2,256-8,296	\$2,064-12,000
Average Stay	.33 yr.	-----	20 dy-70 dy	1.75 -2.0 yr.
Cost of Average Stay	\$ 2,475	-----	\$124 - 1,591	\$3,621 - 24,000
Psycho-Social Services	-----	\$187,421	-----	-----
Psycho-Social Services/Inmate/Year	-----	\$ 65	-----	-----

*Fiscal year 73-74

**No Vocational money budgeted;
money is budgeted for education only.†From 1974-75 budget allocations
cost/inmate/year estimation for
WCC-SS is \$14,407

APPENDIX B

Additional Acknowledgements

The Task Force is especially indebted to a variety of people who performed extraordinary services for us in the preparation of this report. Mrs. Sharman Mitchell uncomplainingly typed at least three complete drafts of the entire document in the final phases of the membership's consideration of our final recommendations during the months of July and August without deviating from her normally efficient performance as a research assistant, chauffeur, housemother, and lunch arranger for the committee. Mr. Ronald Deprez, a part-time consultant to the Task Force, contributed much more time and skill to working initially with the subcommittees, undergraduate research aides, and later in the construction of accurate models of the present and proposed Maine correctional systems than he was, or ever will be, paid for. Professor Joe Fallon, beyond being the source of many of our substantive recommendations, took time from his summer activities to labor for several days in a haze of latakia constructing the Bibliography for the report. And Vincent Connally and especially Tom Herbert spent much more time compiling statistics and assisting Ron Deprez than hopefully their true employers will ever suspect.

In addition, a total of 42 criminal justice students from the University of Maine Augusta and Portland campuses did direct research for the Task Force, some of it of professional quality, during the Spring semester of 1974, under the direction of Professors Donald Dahlstrom and Drew Humphries at Portland, and Professor Joe Fallon at Augusta, and we gratefully acknowledge the contributions of these students according to the following classes -- Professor Humphries' class: Craig Brown, Nattie Bryan, Jane Cucchiara, Lola Lippoth, Joseph Mazzioti, Vernon Mitchell, Karen Sigmund, and Stuart Sprague; Professor Dahlstrom's class: Phil Amoroso, Elaine Berry, Kim Brouillet, Stephen Bunker, William Burke, John Currier, Timothy Farr, Ralph Fenno, Eugene Fizell, Stephen Geronets, Paula Gervais, Gary Gray, Wayne Jackson, William King, Craig Linscott, Bruce McVane, Elizabeth Mansfield, Marc Nadeau, Phil Napier, John O'Neil, Theodore Paxson, David Rowles, Robert Roy, Susan Silver, Bradford Walker, Frederick White III, and Rosalynne Winton; and Professor Fallon's class: Debby Dudley, Casey Grant, Tom Herbert (again), Jim Kimball, Judy Kramer, Brian Lamoreaux, and Jane Seavey.

The entire Task Force owes thanks also to Mrs. Eleanor Wing, a bookkeeper in the Office of the Governor, who was able (for reasons which will ever remain a mystery to several people) to maintain our collective solvency on a shoestring budget. And finally, the Augusta staff is indebted especially to Betty Saucier, Mr. Simond's remarkably efficient executive secretary, for assuring that the ties between the Portland and Augusta offices of the Task Force remained unconfused throughout our period of operation.

APPENDIX C

Implementation Forecast

As discussed previously in the body of the report, a significant number of the Task Force's recommendations for correctional modernization in Maine are interdependent. The implementation of many of these recommendations is also predicated in part on a shift in present institutional resources to proposed community-based correctional programs, and the following analysis reflects a firm position on the part of the Task Force membership to do as much as is administratively possible within the existing appropriations levels of the Maine Department of Mental Health and Corrections. In fact, most of our recommendations were conceived and drafted with this factor as a necessary condition, and the items contained in our report that do require additional state or federal money are those items upon which the subcommittees of the Task Force voiced strong opinions and for which it was impossible to avoid some expense.

The "Earliest Implementation Date" column of the following chart means exactly what it says. It lists the earliest possible or recommended implementation date for the variety of our proposals based on the type of administrative or legislative action we believe is necessary for each recommendation.

The "Funding" columns indicate the source of support we believe is required for each recommendation, according to additional state or federal funding, or reallocated existing state resources. Where action is indicated under the "Reallocation of Existing Resources" column, this represents a significant shifting of present funding categories and/or significant "freeing-up" of money as opposed to absolute reductions in budgets.

The "Personnel Required" column indicates simply whether we believe additional public jobs are required by each of our recommendations. It is notable that most of our recommendations, as conceived, do not require expansion of the state bureaucracy immediately above present levels, and that when this column is read in conjunction with positive action indicated under the reallocation of resources column the net result is actually a "freeing-up" of many present state correctional positions and resources for use elsewhere within our proposed correctional system.

In an economic environment of uncertain annual inflation, it is particularly dangerous for a non-professional citizens body such as ours to make definitive item by item "cost savings" claims, and to lash our recommendations to such claims. Hence, we do not do so. The following analysis, however, is intended to show substantial change in our present Maine correctional system within existing fiscal resources, and the entire report is to be read in this light.

IMPLEMENTATION FORECAST

Recommendation	Earliest Implementation Date	Funding			Personnel Required
		Additional State	Additional Federal	Reallocation of Existing Resources	
#1	January 1, 1975	None	None	None	No Additional
#2	March 1, 1975	None	None	None	No Additional
#3	Spring, 1975	\$30,000/ year	None	None	3 Positions
#4	Fall, 1974	None	None	None	No Additional
#5	Fall, 1974	None	None	Yes	No Additional
#6	Spring, 1975	None	None	None	No Additional
#7	Spring, 1975	Future Costs Unavoidable	None	Yes	10 Positions Initially
#8	Spring, 1975	None	None	Yes	No Additional
#9	Fall, 1974	None	None	Yes	No Additional
#10	March 1, 1975	None	None	Eventual Reallocation of \$1 million	Eventual Reduction of 90 Positions
#11	Summer, 1975	None	None	Yes	No Additional
#12	Spring, 1975	\$2,000	None	Yes	No Additional
#13	Spring, 1975	None	None	None	No Additional
#14	Spring, 1975	None	None	None	No Additional
#15	Fall, 1974	None	None	None	No Additional
#16	Spring, 1975	None	None	None	No Additional
#17	Fall, 1974	None	None	Yes	No Additional
#18	Spring, 1975	None	None	Yes	No Additional
#19	Fall, 1976	None	None	Yes	Additional Court Expenditures Upon Full Implementation
#20	Spring, 1975	None	None	Yes	No Additional

Funding

commendation	Earliest Implementation Date	Funding			Personnel Required
		Additional State	Additional Federal	Reallocation of Existing Resources	
#21	Spring, 1975	None	None	Yes	No Additional
#22	Summer, 1975	\$2,000	None	None	No Additional
#23	Spring, 1975	None	None	Yes	No Additional
#24	Fall, 1974	None	None	Yes	No Additional
#25	Fall, 1974	None	None	Yes	No Additional
#26	Spring, 1975	None	None	None	No Additional
#27	Spring, 1975	None	None	Yes	No Additional
#28	Fall, 1974	None	None	Yes	No Additional
#29	Fall, 1974	None	None	Yes	No Additional
#30	Spring, 1975	None	None	Yes	No Additional
#31	Fall, 1974	None	None	Yes	No Additional
#32	Fall, 1974	None	\$90,000	None	7 Temporary
#33	Spring, 1975	None	None	Yes	No Additional
#34	Fall, 1975	None	None	None	No Additional
#35	Spring, 1975	None	None	None	No Additional
#36	January 1, 1975	None	None	Yes	No Additional
#37	January 1, 1975	None	None	None	No Additional
#38	Spring, 1975	None	None	None	No Additional
#39	Fall, 1974	Eventual Increase	None	Yes	Some Permanent Ex- pense Unavoidable
#40	Fall, 1974	None	One-Time \$250,000	Yes	No Additional
#41	Spring, 1975	\$2,000	None	Yes	No Additional
#42	Spring, 1975	\$100,000	None	Yes	No Additional
#43	Fall, 1974	None	None	None	No Additional
#44	Fall, 1974	None	None	None	No Additional
#45	Fall, 1974	None	None	Yes	No Additional
#46	Spring, 1975	\$2,000	None	\$55,000 Savings	No Additional

Recommendation	Earliest Implementation Date	Funding			Personnel Required
		Additional State	Additional Federal	Reallocation of Existing Resources	
#47	Fall, 1974	None	None	Yes	No Additional
#48	Fall, 1974	None	None	None	No Additional
#49	Spring, 1975	None	None	Yes	No Additional
#50	September 1, 1975	None	None	Yes	No Additional
#51	Fall, 1974	None	None	Yes	No Additional
#52	Fall, 1974	None	Pilot-Basis \$250,000	Yes	18 Temporary
#53	Spring, 1975	None	None	Yes	No Additional
#54	Spring, 1975	\$417,000	None	Yes	60 Additional
#55	Fall, 1974	None	None	Yes	No Additional
#56	Spring, 1975	\$2,000	None	Yes	No Additional
#57	Fall, 1974	None	None	None	No Additional
#58	Fall, 1974	None	None	None	No Additional
#59	Fall, 1974	\$10,000	None	Yes	No Additional
#60	Spring, 1975	None	None	Yes	No Additional
#61	Spring, 1975	None	None	None	No Additional
#62	Spring, 1975	One-Time \$100,000	None	Yes	6 Additional
#63	January 1, 1975	None	None	None	No Additional
#64	Spring, 1975	None	None	None	No Additional
#65	January 1, 1975	None	None	None	No Additional
#66	Fall, 1974	None	None	Yes	No Additional
#67	Fall, 1974	None	None	Yes	No Additional
#68	Spring, 1975	None	None	Yes	No Additional
#69	Spring, 1975	None	None	None	No Additional
#70	Fall, 1974	None	None	Yes	No Additional
#71	Spring, 1975	None	None	None	No Additional

Recommendation	Earliest Implementation Date	Funding			Personnel Required
		Additional State	Additional Federal	Reallocation of Existing Resources	
#72	Spring, 1975	None	None	None	No Additional
#73	Fall, 1974	None	None	None	No Additional
#74	Spring, 1975	None	None	Yes	No Additional
#75	Fall, 1974	None	None	None	No Additional
#76	Fall, 1974	None	None	Yes	No Additional
#77	Fall, 1974	None	None	Yes	No Additional
#78	Fall, 1974	None	None	Yes	No Additional
#79	Fall, 1975	None	None	Yes	No Additional
#80	Fall, 1974	None	None	None	No Additional
#81	Fall, 1975	None	None	Yes	No Additional
#82	Fall, 1974	None	None	None	No Additional
#83	Fall, 1974	None	None	Yes	No Additional
#84	Spring, 1975	None	None	Yes	No Additional
#85	January 1, 1975	None	None	None	No Additional
#86	Spring, 1975	None	None	None	No Additional
#87	Fall, 1974	None	None	None	No Additional
#88	Fall, 1974	None	None	Yes	No Additional
#89	Fall, 1974	None	None	Yes	No Additional
#90	Fall, 1974	None	None	None	No Additional
#91	Summer, 1975	None	None	Yes	No Additional
#92	Summer, 1975	None	None	Yes	No Additional
#93	Fall, 1974	None	None	Yes	No Additional
#94	Fall, 1974	None	None	Yes	No Additional
#95	Fall, 1974	None	None	Yes	No Additional
#96	Fall, 1974	None	None	Yes	No Additional

Recommendation	Earliest Implementation Date	Funding			Personnel Required
		Additional State	Additional Federal	Reallocation of Existing Resources	
#97	Spring, 1975	None	None	None	No Additional
#98	Fall, 1974	None	None	None	No Additional
#99	Fall, 1974	\$12,500/ Year	None	Yes	No Additional
#100	Fall, 1974	None	None	Yes	No Additional

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