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STATE OF MAINE
113TH LEGISLATURE
FIRST REGULAR SESSION

FIRST REPORT
OF THE JOINT SELECT COMMITTEE
ON CORRECTIONS
1987

JUNE 1987

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TABLE OF CONTENTS

Summary

I. Background.....1

II. Joint Select Committee on Corrections - 1987.....2

III. Committee Activities.....4

IV. Legislative Action.....5

V. Why Continue the Study?.....7

VI. Conclusion.....9

Appendix 1

-SUMMARY-

The Joint Select Committee on Corrections has a broad mandate to review correctional policies in the State of Maine and to make reports to the 113th Legislature. This is the first report of the Joint Select Committee. It explains how the Joint Select Committee came into existence and it identifies the major activities and recommendations made by the Committee, including approval of an allocations bill for new prison construction. A second report will follow at the end of the year. That report will focus upon the need to develop a successful risk management system in Maine which meets the needs of society and the offender population.

In this report, the Joint Select Committee proposes that it undertake continued study during the interim, as discussed in Section III. The Committee also considered several legislative proposals, as discussed in Section IV, and endorsed, among others: LD 1470, AN ACT to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities, and LD 1280, RESOLVE to Establish the Juvenile Corrections Planning Commission.

I. Background

For the past several years, the Maine Legislature has been actively involved in developing policy and programs in the area of corrections. A steadily rising prison population has continued to aggravate a severe overcrowding situation in Maine prisons. The rate of growth in the number of people requiring detention has continued to increase, despite a decrease in crime rates and a leveling off of the at-risk population (males 18-34). Given this condition, State government has confronted the need to build more prison capacity and to develop other programs to provide more alternatives for detention and treatment.

During the Second Regular Session of the 112th Legislature, two important initiatives were approved by the Legislature. One measure, LD 1439, endorsed a bond issue to supply needed funds for prison construction and the other, LD 2408, implemented recommendations related to community corrections that were identified in the Governor's Blue Ribbon Commission Report, Corrections in Crisis, published in December 1985. While both steps taken by the Legislature provided new resources to address many problems that needed prompt attention, more legislative steps were needed to resolve policy questions that still remained.

A \$16 million bond authorization for prison construction and renovation was approved by Maine voters in November of 1986. The referendum question stipulated that the 113th Legislature would decide how to allocate the proceeds of the bonds. As with many major policy resolutions involving large sums of money and pointing to new directions in state policy, more time was needed to review important legislative actions taken in the recent past related to corrections. To accomplish this purpose, a new Joint Select Committee on Corrections was called into existence by joint order of the Legislature, on December 3, 1986.

II. The Joint Select Committee on Corrections - 1987

The Joint Select Committee on Corrections had a broad mandate to develop a long range corrections plan. First, the Committee reviewed major policy initiatives that had been and were being proposed by the Department of Corrections. Also, the Committee examined other recommendations made by responsible groups involved in the policy debate over prison construction.

A central question that required closer legislative scrutiny was the proposal made by the Department of Corrections to build more prison capacity. Those departmental recommendations for more bed space needed to be placed in a policy context where the immediate need to relieve overcrowding could be understood in a longer term perspective of developing a correctional system that effectively accomplished its mission. In pointing out the needs of the correctional system, the Department of Corrections was guided by a statewide master plan which had been developed in collaboration with a consulting firm, the Ehrenkrantz Group. The master plan, which was completed in April 1986, suggested that Maine seriously consider construction of a \$50 million maximum security prison either to replace the prison in Thomaston or to provide additional space for projected needs. When the proposal to build a large, new prison was made, the inquiry to seek other, less costly alternatives, moved directly into the legislative arena where the debate has been continued.

The Joint Select Committee on Corrections of 1987, therefore, confronted a broad range of policy questions as it began its work:

- o If Maine needs a maximum security prison and Thomaston is clearly an inappropriate and inadequate facility to serve that purpose, what other state facilities and state lands need to be reviewed before a final commitment is made to allocate funds for construction?
- o Should the Legislature accept the recommendations contained in the Ehrenkrantz report which advocated construction of a 500 bed maximum security prison?
- o If a 100 bed maximum security unit were to be built at Warren to house Maine's "toughest" prisoners, what considerations would need to be taken into account to insure that the Warren site was suitable not only for immediate use as a small facility, but also as a location capable of accommodating a much larger prison population?
- o If a 100 bed maximum security unit were to be built at Warren to alleviate severe overcrowding at Thomaston, what would be the future of Thomaston and what actions would need to be taken to correct the unacceptable situation that currently exists at the Maine State Prison?

- o If Maine could avoid spending funds on a large new maximum security prison, what alternative correctional strategies would need to be implemented and what would the cost of those programs be?

These were only a few of the major questions that were being asked as the Joint Select Committee of 1987 was formulating its scope of work for this First Regular Session.

III. Committee Activities - 1st Regular Session, 113th Legislature

The Joint Select Committee on Corrections of the 113th Legislature undertook its task with a tour in early February of all state correctional facilities, including the Maine Youth Center. Cumberland and Kennebec county jails and the Hallowell Pre-Release Center were also examined. The committee visited the Pineland facility and met with Corrections department representatives to discuss possible future uses of this resource.

In addition to general committee meetings, the Committee held consultations with the Maine Council of Churches, Ken Ricci of the Ehrenkrantz Group, the Inter-Departmental Coordinating Committee (IDC) studying juvenile corrections and sexual abuse, the Maine State Prison's Board of Visitors, the Juvenile Justice Advisory Group, and sheriffs and other county officials. The Committee met with Commissioner Donald Allen in mid-March to review the Department's budget.

A seminar on corrections entitled "Prison Overcrowding: How Shall Maine Respond?" was held on March 30th at the Augusta Civic Center, at which a number of experts from within Maine and across the country addressed an audience of 100 legislators, corrections officials and others interested in a satisfactory solution to Maine's corrections problems. Topics addressed included: overcrowding and how other states are coping with it; the facts affecting overcrowding in Maine; facilities, land, and buildings; community based corrections programs; the special problem of sex offenders; and long range solutions.

In addition to the above activities, the Joint Select Committee on Corrections held public hearings and work sessions on nine pieces of corrections legislation, dealing with juveniles, treatment and literacy programs, county inmates and the allocation of the 1986 bond issue monies for the construction and renovation of prison facilities. Hearings were also held at the Maine Youth Center to discuss juvenile corrections and at Warren to discuss future plans for Thomaston and Warren facilities.

In addition, the Committee undertook a two-day intensive consultation with Mark Corrigan from Brandeis University, in preparation for the task of developing a comprehensive, long-range legislative plan for corrections. Mr. Corrigan's 20 years of experience in the field and expertise in facilitating discussion greatly assisted the Committee in reviewing the recommendations of previous studies and in clarifying and organizing its individual and collective thoughts on the complex issues involved in the formulation of such a plan.

The Committee was able to classify issues on the basis of the long or short term (or both) nature of their solutions, what legislative actions could be initiated immediately, and what issues required further study before any responsible decisions could be made. Consensus emerged on the view that the primary responsibility of the government, in its involvement in corrections, is to ensure public protection. This goal, the Committee concluded, is most effectively accomplished primarily through a comprehensive system of risk and needs assessment and management.

Finally, the Joint Select Committee on Corrections proposes that it undertake continued study during the interim, of the issues relating specifically to risk/needs assessment and management.

This inquiry will require: (1) a closer examination of classification procedures; (2) identification of the resources necessary to adequately classify prisoners; (3) a determination of the full range of corrections strategies appropriate to Maine's offender population; and (4) a more complete analysis of the components of "risk management". These efforts will enable the Committee to make detailed recommendations for a long range legislative plan for corrections policy in its final report.

IV. Legislative Action

During the First Regular Session, the Joint Select Committee on Corrections (1987) considered several legislative proposals dealing with specific needs in the correctional field, but the two major pieces of legislation that the committee chose to endorse were LD 1470, AN ACT to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities and LD 1280, a Resolve, to Establish the Juvenile Corrections Planning Commission.

Eventually appearing in new draft as LD 1781, the Juvenile Corrections Commission is to be comprised of representatives from a broad range of service disciplines and State agencies and their job is to develop a master plan for juvenile corrections which will be submitted as a report with recommendations to the First Regular Session of the 114th Legislature by March 1, 1989. Also passed by the committee was LD 115, AN ACT to Promote the Coordination of State Crime Prevention Programs for Juveniles, which authorized the establishment of an interdepartmental coordinating committee to develop and implement crime prevention programs for juveniles.

The other major legislative proposal, LD 1470, which appears in new draft as LD 1800, AN ACT to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correction Facilities, calls for:

Amount

\$11,000,000	Construction of free-standing, separate maximum security prison in Warren, Maine for 100 inmates
600,000	Renovations to key areas of the existing Maine State Prison (Thomaston)
1,400,000	Construction of a 50-bed minimum security addition to the existing Bolduc Unit (S. Warren)
2,000,000	Construction of 100 minimum security beds at the Maine Correctional Center (S. Windham)
1,000,000	Construction of a new building at the Charleston Correctional Facility which will house 50 minimum security inmates (Charleston)
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\$16,000,000	TOTAL

In allocating the proceeds of the bond issue, the Legislature has taken a decisive step to create more prison capacity. At this point in the formulation of short term corrections policy, a new challenge has emerged. That challenge will be focused on strengthening the capacity of the Department of Corrections to make the most effective use of its expanding capacity as well as provide the information necessary to justify the development of placement opportunities for offenders who do not need to be incarcerated.

V. Why Continue the Study?

The Committee has not yet completed all of the detailed study necessary to responsibly advise the Legislature as to the appropriate direction for long range legislative policy in the field of corrections. Further study of the following topics will greatly increase the Committee's ability to successfully serve in that capacity.

A. Classification

A statement made by the National Institute of Corrections and quoted in the Blue Ribbon Commission on Corrections final report bears repeating. It is that "Classification is an indispensable tool for coherent facility, program, budget, and staff planning because it utilizes the specific needs and characteristics of the inmate population as a basis for system-wide planning."

The Department of Corrections is not presently able to provide the information which allows for the development of detailed inmate profiles. This information is necessary to determine how best to create placement alternatives for those offenders not requiring incarceration, and to most effectively utilize Maine's expanding correctional capacity. Each study and consultant has pointed to our lack of data capabilities as a major obstacle to effective planning. This obstacle must be eliminated.

The Committee's study will include a review of state-of-the-art classification methods and will identify the additional resources required to enable the department to objectively assess risk and need, and to provide objective data that can serve as the basis of decision-making for sentencing, placement, movement within the system, pre-release review, and probation management. Recommendations of the Ehrenkrantz and Blue Ribbon Commission reports regarding the department's central office organization will be considered and specific proposals for additional staff and refinement of classification procedures made.

B. Range of Alternatives

Without an adequate offender population profile, it is difficult to determine the precise mix of corrections strategies appropriate for Maine's needs. However, in the Committee's extensive deliberations, a new understanding about punishment, within the primary commitment to ensure the protection of the public, has emerged.

A new political consensus has already formed about the need to create less restrictive alternatives to traditional incarceration, and more attention directed toward providing the necessary resources to identify the precise types of measures that can complement traditional correctional programs. The Committee will examine corrections options being utilized in other states and their success rates, as well as Maine's intensive supervision program (ISP) and the reasons for its slow take-off. The lack of a post release observation period and the need for more halfway houses to provide a more gradual re-entry into society will also be considered.

A range of strategies also includes treatment options, and the Committee will be examining the best research available on possible treatment alternatives for substance abusers, sex offenders, and those with other forms of mental illness, and the feasibility of their implementation.

C. Risk Management

There are many factors which contribute to the determination of the risk that an offender poses to the maintenance of public safety. These factors include the nature of the offense, criminal history, substance abuse, education, the presence or absence of healthy family ties, mental health and many others. Successful risk management is the product of the proper alignment of the first two components of this study --- an adequate classification system and a range of placement alternatives that fits the offender population. If, through sufficient classification procedures, an offender is identified as a threat to public safety, then confinement, though unproven as a deterrent, is appropriate. However, it must be recognized that an overcrowded prison and an idle prison population are also threats to public safety, as are released offenders who have received little or no "corrective" influence during their time of confinement. The Committee intends to study and recommend programs to address these risks. The Committee's intent is to acquire a comprehensive understanding, through further consultation with experts in the field, of risk management and its implications for corrections planning today.

VI. Conclusion

The cost of corrections in Maine, as throughout the country, is increasing. Investment decisions in any area of government involve difficult trade-offs with respect to other pressing demands on available resources. Cost is and will continue to be a primary and legitimate concern in corrections decision-making. Prison and jail space represent an expensive and limited resource which should be allocated to those who pose an actual threat to public safety.

The field of corrections is changing very fast, and experts in this policy field who are advising our corrections officials predict continued pressure on scarce public resources. In order to face up to the challenge ahead, Maine must be inventive in developing a range of corrections strategies which meet the needs of society and the offender population. The Legislature will be called upon to allocate more money to build a stronger correctional program in the future, and elected officials will need the support of an informed public.

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APPENDIX 1

MEETINGS HELD BY THE CORRECTIONS COMMITTEE

DATE	GROUP/PURPOSE
Feb. 5-9	Statewide Tour of Correctional Facilities
Feb. 17	Organizational Committee Meeting
Feb. 25	Tour of Pineland Meeting with Corrections Dept.
March 2	Jail Tours: Hallowell Pre-Release Kennebec County Jail
March 3	Meeting with Council of Churches to discuss their viewpoints
March 11	Meeting with Commissioner Allen to review department's budget
March 20	General Committee Meeting
March 30	Corrections Seminar at Civic Center
April 8	General Committee Meeting
April 10	General Committee Meeting
April 27	Meeting with representatives of the Ehrenkrantz Group to discuss their Master Plan
April 29	Public Hearing at Maine Youth Center to discuss Juvenile Corrections
May 1	Meeting with IDC to discuss Juvenile Corrections & Sex Abuse Public Hearing on LD 115
May 5-6	Meeting with Mark Corrigan to begin long range plan
May 6	Public Hearing at Warren to discuss future plans for Thomaston/Warren facilities
May 7	Public Hearing on Legislation LDs 776, 891, 1067, 1174, 1279, 1280
May 11	Meeting with Maine State Prison's Board of Visitors
May 12	Meeting with Juvenile Justice Advisory Group
May 18	Meeting with County Officials (Sheriffs etc.)
May 20	Public Hearing on LDs 1470, 1543 Dinner meeting to discuss Corrigan report
May 26	Work Session