

MAINE STATE LEGISLATURE

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CORRECTIONS SUMMIT

MAY 7, 1991

SUMMARY OF RECOMMENDATIONS

Contents

Introduction	1
Short-term Recommendations	2
Long-term Recommendations	3

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RECOMMENDATIONS OF THE MAINE CORRECTIONS SUMMIT

A Report to Governor McKernan, Chief Justice McKusick
Senate President Pray, and House Speaker Martin

May 7, 1991

Prepared by Frank O'Hara, Market Decisions, Inc.

" Because of this facility, many who leave will not be the ones who break into your homes.

Because of this facility, I can once again be proud like I once was when I was the son of a police chief and retired military man.

I have gained my values back that I lost by my alcoholism and I have found my pride that I left behind on the day I committed my crime.

I ask from my heart that you will allow the staff and the inmates of the Central Maine Pre-Release Center to continue to serve your community and state..."

April 22, 1991 letter to Legislature from James Stewart, Jr., from the Central Maine Pre-Release Center

INTRODUCTION

The Maine correctional system is in crisis. Prisoners are continuing to flow in. But money for facilities, staff, and programs is declining. As a result, facilities like the Central Maine Pre-Release Center, from which the above letter was written, are threatened with closure.

In response to this crisis, the Governor, Chief Justice, and Legislative Leadership asked Maine's leading corrections' experts to come together and make short and long term recommendations for the system. On only a week's notice, over 125 Maine judges, district attorneys, local and county police, legislators, lawyers, corrections officials, and concerned citizens showed up for a full day summit at the Augusta Civic Center on May 7, 1991.

The summit developed three short term recommendations for the next 6 weeks, and ten long term recommendations for the next two to three years. The recommendations are provided on the following pages.

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SHORT TERM RECOMMENDATIONS

1. Preserve the existing corrections system in next year's budget (total cost about \$68 million). No reforms can go forward in the face of the chaos and disruption that would be caused by closing existing facilities and community programs.

The adult prison population is growing -- from under 1500 two years ago, to 1700 today, and is projected to exceed 2000 by 1994. The bed capacity in the system is about 1200.

A recent budget proposal contained no funds to open new facilities under construction (Warren and Bolduc); proposed the closing of four existing facilities with 330 beds (Bangor and Central Maine Pre-Release Centers, Charleston and Downeast); cut staff at the remaining facilities; eliminate community corrections services contracts; and reduce staffing for probation services.

Summit participants unanimously agreed that any cuts to the current system were unwise, dangerous, and self-defeating. Cuts would increase the risk of inmate fights and incidents -- which, besides creating health and safety problems, also cause high health and legal costs for the state. Cuts would also move many clients from cheaper programs to more expensive forms of incarceration. There is a need for more alternatives to incarceration -- but these can only go forward safely and effectively in an orderly process if all current services are maintained.

2. Expand alternatives to incarceration -- specifically, the Intensive Supervision Program (ISP) and early release programs. This could reduce prison overcrowding at modest additional cost -- for example, ISP costs about \$4,000 per prisoner, in contrast to \$25,000 at the Maine State Prison.

The ISP program experiment has been a success for specific groups of prisoners. It should be expanded state-wide, and expansion of eligibility criteria for the program should also be considered. In addition, with additional probation officers, an early release program for prisoners nearing the end of their terms, with good behavior records, could help reduce overcrowding and ease the transition back into community life. Of all the alternatives to incarceration available, these can be accomplished the quickest and the most effectively.

3. Begin planning to reinstitute parole.

Parole offers incentives for good prisoner behavior, and a means of selectively reducing prison overcrowding. Parole was badly administered in Maine in the 1970's, which was why it was abolished in the revised Criminal Code. But it could be done better. Introduce a bill to reinstitute parole this session, carry it over, and hold public hearings this summer. This process could also develop increased community concern for correctional services.

LONG TERM RECOMMENDATIONS

1. Hold a 2-3 day Corrections Symposium next fall.

The Summit was a one day, hastily arranged affair. There is a need for the groups represented to reconvene in the future to consider the long range issues (listed below) in considerably more depth. This could be done in a well-planned symposium next fall.

2. Set goals for the criminal justice system (punishment, prevention, rehabilitation), and institute planning and offender information systems to track success. Create credibility and accountability.

At present, the criminal justice system lacks the planning capability and information systems needed to track offenders and answer simple questions like "what works" and "what doesn't." As more alternative punishment and rehabilitation systems are developed, such information will become increasingly important.

3. Create a Commission to reexamine the Criminal Code for proportion, fairness, flexibility, and balance.

The Legislature is now considering 43 bills which create new criminal offenses, or add to the penalties for existing offenses. The Department of Corrections estimates that if all these bills were to pass, 80 new prisoners would be added annually to the corrections system. A new 80 bed prison costs \$7.2 million to build, and \$1.9 million annually to run.

This situation is not unusual. The public and Legislature want to get tough on crime -- but no one wants to pay the bill. Many new laws have been added in recent years -- some with mandatory sentences, which reduce the flexibility of the judge and corrections system. It's time to step back and take a look at the whole picture.

Another step suggested would be to re-fund the Sentencing Institute, which is called for in the law but hasn't met in recent years.

4. Increase sentencing options -- create a "smorgasbord" extending from close incarceration to fines and restitution.

Not every criminal belongs in a prison. Some can be more appropriately punished and rehabilitated in community settings, in a dormitory-style restitution center, at a day center, or on different degrees of probation. There is a need for "transitional" arrangements between prison and the street. More options will also allow the Corrections Department to create incentives for good behavior among inmates. Creating alternatives will require a reform of the Criminal Code (above) and the development of new programs in the Corrections Department.

5. Improve understanding and prevention of crime.

One participant said that "if we really knew how to help sex and substance abusers, and their children, 75% of the crime and corrections problem in Maine would disappear."

Understanding and prevention will require inter-departmental coordination. The schools are the first to see problem behavior that later can develop into crime. At present there is little research or communication on the subject.

6. Improve counselling and rehabilitation services.

Along the same lines, early intervention services for youth and adults when they first have committed crimes needs to be provided. Priority areas mentioned include sexual abuse treatment, alcohol/substance abuse treatment, mental health counselling, and work counselling. "Wrap around" programs for youth in rural areas, which provide the funding for individualized programs, are also needed.

Currently growing caseloads, and declining community funds for non-profit agencies, are reducing the quality of services available to inmates at a time when they should be improving. Increasing caseloads for probation officers also have reduced their effectiveness in promoting rehabilitation. Community placement must be maintained as an effective and viable alternative to institutionalization.

7. Give special attention to youth populations.

With all the attention to overcrowding and problems among adult offenders, some felt that the problems of youth are not being given enough attention. Proper intervention at an early age can prevent a lifetime of crime. The role of the Maine Youth Center needs to be redefined, and more community services are needed. An adaptation of the ISP program for juvenile offenders should also be considered.

8. Establish minimum health and safety standards for institutions.

At what point is an institution so crowded that it is dangerous? At what point is it no longer effective in correcting criminal behavior? More bed space is badly needed. Another proposal was to put a cap on the populations of Maine's corrections institutions. Staff training and facility modernization (or replacement) are also needed.

9. Expand public awareness and understanding.

The public wants tough laws, but votes no to prison bond issues. The public wants low cost and effective corrections institutions, but opposes locating low cost and effective community facilities in their neighborhoods. There is a general problem with a lack of public confidence in sentencing and corrections in Maine.

Ideas for educating and involving the public included speakers' bureaus, public hearings on parole, and regular public information on the criminal justice system (particularly its successes). The need to personalize the problem, to bring it home in human terms, was emphasized. Even so, everyone understood that corrections would never be a subject of great public interest -- except in cases of dramatic failure or breakdown.

10. Improve legal services for the poor, and victim compensation and involvement.

Other failures of the criminal justice system, briefly touched upon, included the lack of effective legal representation for the poor, and the lack of involvement and restitution to victims. Adequate data regarding the effectiveness of various sentencing alternatives for particular groups of offenders is also needed.