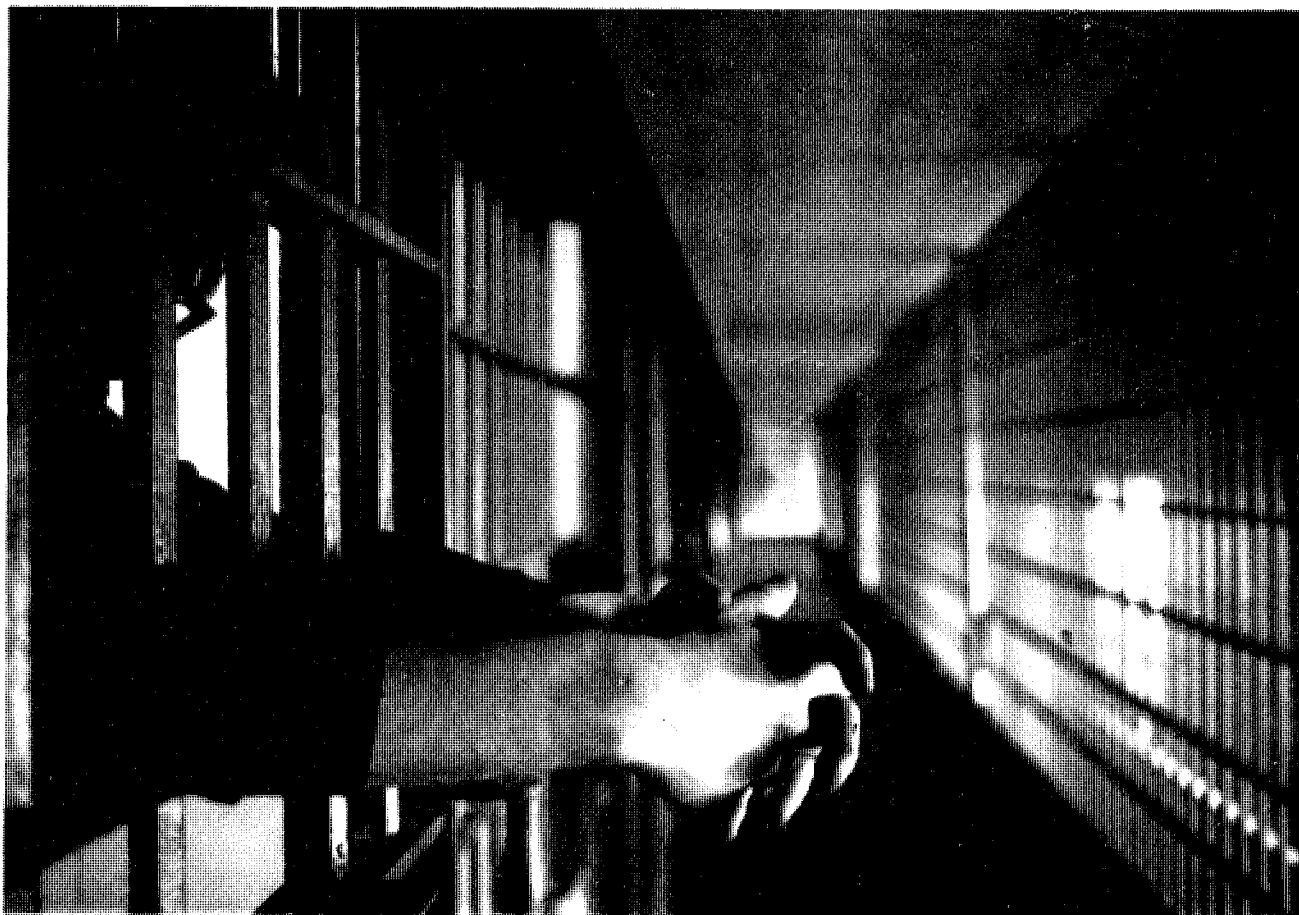


# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



HV  
9305  
.M2  
M256  
1985  
C.2

## **CORRECTIONS IN CRISIS**



CORRECTIONS IN CRISIS

REPORT OF THE GOVERNOR'S  
BLUE RIBBON COMMISSION  
ON CORRECTIONS

December 1985



Honorable Joseph E. Brennan  
Governor  
State House  
Augusta, Maine 04333



Dear Governor Brennan:

On behalf of your Blue Ribbon Commission on Corrections I am privileged to submit the following report on the state of Correctional Services in Maine. Though not all members of our Commission agreed with every one of the recommendations, each recommendation has the support of a majority of the members. In reaching its conclusions the Commission profited from its tours of all of the facilities of the Department of Corrections; and from the testimony presented by interested citizens at public hearings in Bangor, Presque Isle, and Auburn. Our work could not have been accomplished without the cooperation of the staff of the Department of Corrections, the time and unselfish dedication of the Commission members, and the efforts and skills of our Executive Director.

The Commission members have been encouraged throughout by the constant expression of interest and support that you and your staff have given us.

It is our sincere hope that the following report and recommendations will provide useful guidance and constructive responses to the difficult problems now faced by the Department of Corrections.

On behalf of the Commission I wish to express our appreciation for the opportunity to contribute to Maine's efforts to deal with its burgeoning correctional population. We believe that implementation of our recommendations will require a special effort to deal with long neglected problems. However, we are convinced that these measures will provide both cost effective and successful solutions in the long run.

Sincerely yours,

A handwritten signature in cursive script, reading "Lloyd Ohlin".

Lloyd Ohlin, Ph.D.



The Governor's Blue Ribbon Commission on Corrections

Lloyd Ohlin, Ph.D., Chairman  
Milbridge, Maine

Francis Jackson, Esquire  
Westbrook, Maine

Marguerite Brunette, Executive Director  
Augusta, Maine

Honorable Peter J. Manning  
Maine State Representative  
Portland, Maine

Honorable Donald Alexander  
Justice, Superior Court  
Augusta, Maine

George McNeil, M.D.  
Portland, Maine

Commissioner Donald Allen  
Department of Corrections  
Augusta, Maine

District Attorney Janet T. Mills  
Auburn, Maine

Honorable Jean Chalmers  
Maine State Senator  
Rockland, Maine

Joseph Moran  
Vice President, Central Maine Power Company  
Waterville, Maine

Honorable Roland Cole  
Judge, District Court  
Wells, Maine

Father Frank Murray  
Portland, Maine

Sandra H. Collier, Esquire  
Ellsworth, Maine

Hugh Phillips, Ph. D.  
University of Maine at Presque Isle  
Presque Isle, Maine

Sheriff Alton Howe  
South Paris, Maine

Charles Sharpe  
Portland, Maine





## ACKNOWLEDGEMENTS

We wish to express our thanks to the many Maine citizens who took the time to be interviewed by Commission members, as well as those individuals who attended public hearings.

Additionally, the following individuals and organizations made valuable contributions.

The American Federation of State, County, Municipal Employees.

The Ehrenkrantz Group.

The National Institute of Corrections.

Mark Corrigan, Director of the National Institute of Sentencing Alternatives.

Peter Hoffman, Research Director of the United States Parole Commission.

Steven Woodard, Director of the Maine Criminal Justice Data Center.

Randall E. Tunks, Photographer.

Inquiries concerning the report should be addressed to:

Press Secretary  
Office of the Governor  
State House Station #1  
Augusta, Maine 04333

This Commission was funded through the 1984 Appropriations Act, P.L. 1983, Ch. 824, Pt. A.



## TABLE OF CONTENTS

PREAMBLE.....	2
SUMMARY OF RECOMMENDATIONS.....	16
A. COMMUNITY CORRECTIONS RECOMMENDATIONS.....	28
1. State Reimbursement to Counties.....	30
2. Probation and Staff Workload.....	33
3. Offices at Correctional Institutions and Pre-release Centers.....	35
4. Workers Compensation Amendment.....	35
5. Purchase Service Funds.....	36
6. Evaluations for Juvenile Offenders.....	37
B. SENTENCING RECOMMENDATIONS.....	40
7. Changes in Probation Terms.....	40
8. Post Release Supervision.....	41
9. Change in Murder Statute.....	41
10. Youth Aid Officers for Courts.....	42
11. Sentencing Guidelines Commission.....	42
12. Intensive Supervision Program.....	43
13. Board of Community Placements.....	45
C. CORRECTIONAL MANAGEMENT RECOMMENDATIONS.....	48
14. Central Office Organization.....	49
15. Classification.....	52
16. Information Development and Management Research.....	54
17. Institutional Programs.....	56
18. Paid Work for Inmates.....	57
19. Industrial Programs.....	59
20. Medical Needs.....	59
21. Services for Mental Health Intervention.....	60
22. Staff Training.....	61
23. Criminal Justice Advisory Commission.....	62
D. SELECTED LEGISLATIVE ISSUES.....	63
24. Joint Legislative Committee on Corrections.....	63
25. Legislative Impact Statement.....	64
E. CONCLUSION.....	65





## PREAMBLE

*"In visiting and inspecting the institutional facilities of the D.O.C., Commission members were acutely aware of the deteriorated and out-moded conditions... There is ample evidence of long-term neglect of maintenance, repair and renovation needs that urgently deserve attention."*

The correctional system of Maine is in a state of deepening crisis. It faces conditions of overcrowding that threaten the maintenance of safety, discipline, control of its population and the provision of constitutionally protected conditions of confinement. Not only are the institutional populations far in excess of normal capacity, but higher probation caseloads and lack of sufficient program alternatives for released prisoners and less serious offenders pose an undesirable risk to public safety.

The experience of other states offers a foretaste of what may come unless immediate steps are taken to implement a set of short and long term measures to correct these steadily worsening conditions. A recent report of the Federal Bureau of Justice Statistics disclosed that by the end of 1984 the entire prison systems of 8 states were operating under State or Federal court orders or decrees to correct overcrowding and substandard conditions.<sup>1</sup> In fact, in one of these states, Tennessee, a federal court recently forbade the admission of any additional inmates into the state system until the conditions imposed by the court were met.<sup>2</sup> Court supervision of the prison system

in three other states has only recently been withdrawn after compliance with court requirements. In addition, in 25 other states at least one major institution operated under court order or consent decree and legal challenges were pending in four others. Maine is one of three states in which challenges have thus far been met after promises of change, but time is running out as overcrowding and deterioration of the conditions of confinement continues.

#### OVERCROWDING AND DEFICIENCIES IN STAFF AND FACILITIES

In recent years, the Department of Corrections (D.O.C.) has experienced a relatively steady increase in its population, but has not been able to obtain the resources in staff and facilities to keep abreast of these increases. Since 1980, the average yearly adult population has increased 37 percent. In 1980, the average totaled 809 inmates and ranged from 796 to 829. In contrast the monthly population for the first six months of 1985 averaged 1128 inmates, ranging from a low of 1056 to a high of

1187 in June. In the graph depicting the monthly totals from 1980 to 1985 in Figure 1 (on the next page), the black line represents the average yearly population. The latest available figures from the Department of Corrections shows a continuing increase to a population count of 1212 on November 19, 1985.

This population is distributed through four major facilities, three pre-release centers, and several contractual agencies. The Maine State Prison at Thomaston provides maximum security for serious offenders and those posing security or control problems. Of the 477 inmates confined there on November 19, as noted in Table 1, nearly half were crowded into the obsolete tension filled tiers of the East Wing. The medium security Maine Correctional Center at Windham originally was designed to house younger, less serious offenders but the population of 319 inmates on November 19 contained more older, serious offenders with longer sentences. The newly acquired medium security Down East Correctional Facility at Bucks Harbor in Washington County will have a capacity for housing 96 inmates when renovations

are completed, but now contains 35 inmates assisting in the reconstruction. The minimum security Charleston Correctional Facility held 100 inmates on November 19th, most of whom are involved in forestry activities or assisting in local community projects. The three pre-release centers listed in Table 1 are designed to house offenders in the final months of their sentences to confinement while facilitating their reentry to community living. The D.O.C. also has offenders in facilities that provide contracted treatment services. The remaining prisoners are housed in county jails or in other state or federal institutions.

To obtain a sense of what these figures mean to safe management of the correctional system, the normal capacity of the system currently totals 900 beds. This means that the system has to create makeshift housing for over 300 inmates. Temporary beds are being set up wherever space can be found--usually in areas designed for programs and other services. In the prison at Thomaston, double celling is even taking place in the segregation unit where disciplinary cases and otherwise unmanageable



FIGURE 1



Table 1  
Institutional Population of the Department of Corrections  
on November 19, 1985

<u>Facility</u>	<u>Normal Capacity</u>	<u>Current Population</u>
<u>Major Facilities</u>		
Maine State Prison. . . . .	400. . . . .	477
Maine Correctional Center. . . . .	208. . . . .	319
Down East Correctional Facility. . . . .	96(where completed). . . . .	35
Charleston Correctional Facility. . . . .	92. . . . .	100
<u>Pre-Release Centers</u>		
Bolduc (Thomaston). . . . .	72. . . . .	82
Bangor. . . . .	35. . . . .	41
Central Maine (Hallowell). . . . .	30. . . . .	45
<u>Contractual Agencies</u>		
Pharos. . . . .	8. . . . .	5
Aroostook Halfway. . . . .	8. . . . .	8
Serenity House. . . . .	2. . . . .	0
H.O.M.E.. . . . .	- . . . .	1
Crossroads. . . . .	- . . . .	0
Fellowship. . . . .	- . . . .	1
<u>County Jails.</u> . . . . .		52
<u>Other States.</u> . . . . .		20
<u>Federal.</u> . . . . .		25
<u>Nursing Home.</u> . . . . .		1
TOTAL	951 (currently approximately 900)	1212

inmates are normally housed in isolation. Under such overcrowded conditions research has shown that the level of inmate tension and disturbances rise steadily. Increases occur in fights, stabbings and exploitation between inmates, defiance of correctional officers, and sick call complaints. Such incidents lead to more use of cell lockups to control the situation and this in turn heightens the tension and frustration of staff and inmates alike.

The reasons for the overcrowding are not hard to find or understand:

- An increased rate of commitment of offenders to the Department of Corrections by the Courts. From 1980 to 1983, the number of prison admissions per 100 serious crimes reported to the police [murder, non-negligent manslaughter, rape, robbery, aggravated assault and burglary] increased by 39 percent.<sup>3</sup> This increase also occurred while the arrest rates for these crimes were actually decreasing. This increased resort to imprisonment appears to be due to a perceived public

demand for tougher sentencing, to the creation of full-time district attorneys and more judges, and to a perception of increased seriousness of crimes committed by offenders.

- Longer sentences imposed by the courts. The percentage of offenders sentenced to more than 10 years increased from 1.4 percent in the fiscal year 1981-1982 to 4.8 percent in 1984-1985, while those sentenced to 5-10 years increased from a low of 2.7 percent to 5.7 percent of admissions. The most dramatic increase in sentence length has been for Class A offenses (which include serious sex offenses), from 52 months in 1981-1982 to 91 months in 1984-1985.
- Abolition of parole. With the abolition of parole in 1976 the correctional system lost a resource for controlling population by moving sentenced offenders more rapidly through the period of confinement to parole supervision. The courts now exercise greater control over the length

of confinement than previously. This change, coupled with the increase in sentence length, has meant an increase generally in actual time served. Prior to 1983 the court was only able to commit offenders to the Department of Corrections on a split sentence up to 120 days of confinement. However, to correct for the abolition of parole supervision for released prisoners, the courts since 1983 have had the authority to impose split sentences (in which a period of probation follows the sentence to confinement) for most offenders. As a consequence, the proportion of offenders receiving split sentences increased from 31.1 percent in 1980-1981 to 56.6 percent in 1984-1985.

- A dramatic rise in the number of imprisoned sex offenders. Sex offenders constituted 4.6 percent of the admissions in 1980-1981 but 20.3 percent in 1984-1985. The large numbers now committed for gross sexual misconduct against a child, a Class A crime, or unlawful sexual contact with a child, a

Class C crime, represents a major influx of new types of prisoners for corrections. Since the process of discovery through education and greater vigilance by medical and social service workers is being strengthened and cases expedited by prosecutors and courts, this situation is not likely to change. Though consultation with noted experts in this field provided no clear cut solutions, the Commission hopes that through accurate and thorough classification and greater utilization of community agencies, the specialized program needs of these offenders might be met.

#### Consequences of Overcrowding

The severe overcrowding of existing facilities and staff shortages in the Department of Corrections create a state of crisis management. The time and attention of central office and institutional staff is constantly preoccupied with problems arising from excess population and diverted from longer range program and policy development which would

alleviate some of these population pressures. As a consequence critics of department operations point to an over-preoccupation with institutional security and use of institutional resources for institutional expansion, instead of community programs for supervision and residential or non-residential treatment. In defense of departmental policies others point to the explosive conditions created by the overcrowding and the long term neglect of the departmental needs for repair and modernization of existing facilities, increased staff, and both institutional and community program resources. They point to the high priority the department must give to the following conditions created by overcrowding:

- The threat to effective discipline and control and the maintenance of secure conditions of confinement due to the increased tension and lack of space available to segregate troublemakers or to protect adequately those being exploited by other inmates.

- The inability to effectively classify inmates for housing and program purposes due to the constraints on the movement of prisoners within and between institutions and programs.
- The heavy burden of staff burnout because of shortages, excessive need for overtime, recurrent crises in controlling prisoners and the constant pressure of high noise levels, inmate demands, and personal vulnerability to attack.
- The increasing shortage of program and industrial space and opportunities for participation to combat inmate idleness and boredom.
- The constant threat of federal suits because of the deterioration and breakdown of facilities under the pressures of excessive population.

Conditions of overcrowding coupled with the shortages of staff and deficiencies in facilities have placed extraordinary demands on

the Department of Corrections. Employees of the Department have responded with a level of dedication and commitment which deserves much greater recognition than it has received thus far. The people of Maine have been well served throughout this period of steadily growing problems in corrections. But there is a limit to how long efforts appropriate to emergency conditions can be sustained or should be expected. Increasing rates of staff turnover and evidence of burnout in coping with the crises of prisoner control and management signal the need for immediate relief as well as long term planning for both institutional and probation services.

#### OTHER CORRECTIONAL PROBLEMS

The pressures of management of the institutional population tend to obscure other correctional problems which are nevertheless urgent in assessing both short and long term goals of corrections in Maine.

#### Sentencing

The Commission's mandate included the area of sentencing. Since the matter of sentencing guidelines for the courts was the subject of a previous commission whose mandate was renewed by the legislature, though not yet activated, the Commission did not address the concerns about alleged sentencing disparity, but turned its attention instead to the following sentencing issues:

- The large number of offenders sentenced for less than a year to state rather than county facilities.
- The lack of sufficient sentencing options for the courts that offer various levels of intensive supervision, local residential and non-residential treatment for alcohol and drug abuse, mental health and family counseling, and community service projects.

- The need for a period of supervision for those released from confinement to ensure community protection as well as assistance for offenders in adjusting to community life.

### Probation

The Commission was surprised at the increased burden that has been placed on probation and parole services without a comparable increase in staff and program resources. The abolishment of parole supervision meant that prisoners were released at the expiration of their period of confinement to do what they wished. The D.O.C. lost its authority and capacity to supervise offenders following release. In recent years the courts have tried to respond to this problem by increasing the use of split sentences which provide for a period of probationary supervision following release from a correctional facility. This increased workload without additional staff reduces supervision capability to the point where the public perceives probation as essentially freedom without restriction.

Probation, backed up by appropriate residential and non residential community programs should provide a graduated set of penalty options to the courts and corrections that link with institutional facilities in a way that offers safe and credible forms of community protection. This weakness in the area of probation and community programs must be given high priority in developing an effective correctional system in the State of Maine.

### Juvenile Corrections

Though the pressing needs of the adult system of corrections formed the primary focus of the Commission's work, several problems in the area of juvenile corrections were identified. Advocacy by the Juvenile Justice Advisory Group has been effective in dealing with the problem of separate detention of juveniles in local jails and lockups while awaiting court action. There is still a residual problem for a small number of juvenile offenders for whom no adequate local or county facilities are available.

For a number of courts, especially in rural areas, there are insufficient resources available for evaluation of individual juvenile offenders. Evaluations provided by the Maine Youth Center (MYC) constitute a substantial diversion of professional resources from the needs of youth currently sentenced to the Center. Such evaluations require short term placements at MYC and transportation over long distances from remote areas, whereas non-residential evaluations at the local level would be possible and less costly.

Delinquent juveniles usually exhibit a number of other problems that have been the focus of other services in the past, such as family services, mental health, school adjustment, and vocational training. Often delinquent children could just as readily be treated as neglected, dependent or abused children. Though considerable progress has been made through the organization of an interdepartmental committee of the relevant state agencies to coordinate services for these children and youth, the problem of assigning fiscal and treatment responsibility and follow-up in individual cases poses considerable difficulty for the courts.

Unlike its neighbor, the State of Massachusetts, Maine has continued to rely on its training school, The Maine Youth Center, as its principal resource for the residential treatment of delinquent children and youth. This frequently requires the removal of a youth long distances from his home community and separation from whatever constructive influences can be found in the family, church or neighborhood. Consequently, the lack of an adequate number of local small group homes for the specialized treatment and short-term residential care of children and youth was a cause of concern for the Commission. If we can create a more adequate network of community residential and non residential services for youth in trouble, we are less likely to encounter them as adult offenders or even as youthful offenders requiring confinement at the Maine Youth Center.

#### Correctional Organization

Until quite recently, 1981, corrections was part of a joint Department of Mental Health and Corrections. Since its establishment as a



separate Department of Corrections, it has been unable to develop sufficient staff, office space or resources within its central office to administer effectively the network of institutions and programs for which it is responsible. The Department is forced by these deficiencies, as noted above, into a state of crisis management that has limited the resources available for planning, program development, classification and training. This situation needs to be addressed if an increasingly effective Departmental capability is to develop.

#### THE FUTURE OF CORRECTIONS IN MAINE

It is the view of the Commission that the crisis in corrections in Maine is of manageable proportions, especially when compared to the overcrowded conditions and costly measures required in larger states such as New York, Illinois and California. Maine has a more homogeneous population, lower rates of violence and drug abuse, and an absence of criminal street gang conflict spilling over into the prison system.

Our situation is one that can be managed with common sense restraint in the use of our most expensive forms of punishment and greater public understanding of the costs of alternative correctional policies. It is the view of this Commission that a full implementation of its recommendations with respect to the classification and placement of offenders, sentencing of offenders to community facilities, and the establishment of an Intensive Supervision Program will minimize the necessity of costly expansion of the existing facilities, or construction of new secure ones. In visiting and inspecting the institutional facilities of the D.O.C., Commission members were acutely aware of the deteriorated and out-moded conditions of many of the housing, administrative and program areas. There is ample evidence of long-term neglect of maintenance, repair and renovation needs that urgently deserve attention. Some of these needs are being addressed as the result of approval of the recent bond referendum in 1984. These include 1) alterations in the administrative building and kitchen area at the Maine State Prison; 2) creation of a new female unit, a

segregation and receiving unit, a medium security unit, and added program space, perimeter security and dormitory space the Maine Correctional Center, and; 3) a small segregation unit at the Charleston Correctional Facility. The Commission did not have the expertise necessary to assess what additional renovation, rehabilitative or new construction may be required. These matters are now under study by the Ehrenkrantz Group as part of its master plan for the D.O.C. It seems clear, for example, that long range planning must evaluate the conditions of maximum security at the Maine State Prison, especially the inmate housing in the East Wing where nearly half of the prisoners are confined. The Commission possessed neither the time nor competence to weigh the various alternatives of renovation, new construction or replacement. It was acutely aware, however, that long range planning must face critical decisions in this regard. It is the path of wisdom and cost-effectiveness to explore what can be done to relieve population pressures by focussing on various ways to divert many offenders to less costly punishments that may be equally or more effective in reducing recidivism.

The costs of new construction of maximum security facilities now being incurred by other states varies from 50,000 to 100,000 dollars per bed, depending on the security measures taken, location and other costs. A recent economic analysis of the actual cost of building a medium-security prison for 500 inmates concluded that construction costs of \$45 million would increase to \$135 million when financing costs over a 30 year period were also figured in. The cost of operating this facility over a 30 year period would add an additional \$210 million, making the total cost \$350 million in that time period.<sup>4</sup>

Economists use the term "opportunity cost" to refer to the opportunities lost by pursuing one policy rather than another. When large sums are required for construction of new prisons, one must ask what other types of policies might be pursued that would solve the problem at less cost and possibly more effectively. Such cost-effective choices are ones we customarily make in everyday life in allocating our personal resources. It is this kind of balancing and prudence that the Commission has pursued in arriving at the recommendations that follow.

The Commission subscribes to the view that a correctional system must possess a graded system of punishments that extends from maximum security to routine probationary supervision. In between must exist a variety of other programs including medium and minimum security facilities, half-way houses, drug and alcohol residential programs, work and educational release, intensive probation supervision, residential and non residential counseling centers, short term confinement units, and restitution and community service programs. The criminal justice system, including both courts and corrections, must have access to a classification capability that permits placement and movement of offenders along this continuum of punishment, control or treatment as the objectives of just desert, community protection and reintegration of the offender may require. The Commission recommendations seek to build and strengthen this graded system of penalties in such a way as to alleviate pressures of overcrowding while taking account of the public need for more cost-effective forms of community protection.



### **SUMMARY OF RECOMMENDATIONS**

*"The system has to create makeshift housing for over 300 inmates... In the prison at Thomaston, double celling is even taking place in the segregation unit."*

## SUMMARY OF RECOMMENDATIONS

To facilitate its work, the Commission divided into seven subcommittees which allowed time for more intensive study of correctional issues, that would have been impossible for the group as a whole. Our recommendations, and the following text, have fallen into four categories 1) Community Corrections, 2) Sentencing, 3) Correctional Management, and 4) Selected Legislative Issues.

The page number indicated with each recommendation corresponds to the supporting argument provided in the text.

### RECOMMENDATION 1. STATE REIMBURSEMENT TO COUNTIES (page 30)

THE COMMISSION RECOMMENDS THAT THOSE SENTENCED TO CONFINEMENT FOR LESS THAN ONE YEAR, EXCLUDING ANY PERIOD OF PROBATION, BE COMMITTED TO SERVE THAT TERM IN FACILITIES ESTABLISHED BY THE COUNTY. A UNIFORM RATE OF REIMBURSEMENT ESTABLISHED AND REVIEWED ANNUALLY BY THE D.O.C. WOULD BE PAID TO THE COUNTIES, TO BE PLACED INTO A JAIL ACCOUNT, FOR ALL SUCH SENTENCED OFFENDERS CONFINED IN THEIR FACILITIES, SUBJECT TO THE FOLLOWING CONDITIONS.

A) THE RATE OF REIMBURSEMENT SHALL REFLECT ONLY THE ADDITIONAL COST OF CONFINEMENT OF SENTENCED PRISONERS EXCLUDING THE DIRECT AND INDIRECT COST TO THE COUNTY OF MAINTAINING PRE-TRIAL DETENTION FACILITIES AND SERVICES.

B) THE JUDGE MAY ORDER THE OFFENDER TO REIMBURSE THE STATE FOR THE COST OF HIS CONFINEMENT BASED ON THE OFFENDERS ABILITY TO PAY, AND SUBJECT TO A PRIORITY OF PAYMENTS WHICH PLACES FIRST-RESTITUTION, SECOND REIMBURSEMENT, AND THIRD FINES.

C) THE D.O.C. SHALL HAVE THE RESPONSIBILITY FOR DEVELOPING STANDARDS FOR THE OPERATION OF FACILITIES AND PROGRAMS FOR SENTENCED OFFENDERS AND MONITORING COMPLIANCE WITH THESE STANDARDS.

D) THE COMMISSION RECOMMENDS THAT STATE REIMBURSEMENT FOR SENTENCED PRISONERS ALSO BE USED TO ESTABLISH AND REIMBURSE HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

RECOMMENDATION 2. PROBATION STAFF AND WORKLOAD (page 33)

THE COMMISSION RECOMMENDS THAT SUFFICIENT PROBATION OFFICERS AND SUPPORTING STAFF BE ADDED TO THE DIVISION OF COMMUNITY PROGRAMS TO MAINTAIN A CASELOAD AVERAGE OF 60 PROBATIONERS PER OFFICER.

A) THE COMMISSION URGES THE DEPARTMENT TO DEVELOP A FORMULA THAT FULLY TAKES ACCOUNT OF WORKLOAD RESPONSIBILITIES OF THE PROBATION STAFF IN ADDITION TO THE SUPERVISION OF PROBATIONERS.

RECOMMENDATION 3. OFFICES AT CORRECTIONAL INSTITUTIONS AND PRE-RELEASE CENTERS (page 35)

THE COMMISSION RECOMMENDS THAT THE DIVISION OF COMMUNITY PROGRAMS SHOULD ESTABLISH AN OFFICE AT EACH PRE-RELEASE CENTER AND INSTITUTION IN ORDER TO BETTER ASSIST INMATES IN FINDING JOBS, RESIDENCES, AND TO HELP WITH OTHER PROGRAMMING NEEDS.

RECOMMENDATION 4. WORKERS COMPENSATION (page 35)

THE COMMISSION RECOMMENDS THAT THE RELEVANT STATUTES ON WORKERS COMPENSATION BE AMENDED TO EXCLUDE FROM COVERAGE THOSE OFFENDERS IN COMMUNITY SERVICE PROGRAMS OR ON THE JOB VOCATIONAL TRAINING, UNLESS COVERED BY THEIR EMPLOYERS POLICY.

RECOMMENDATION 5. PURCHASE SERVICE FUNDS (page 36)

THE COMMISSION RECOMMENDS THAT THE FUNDS NOW ALLOCATED FOR COMMUNITY DEVELOPMENT AND PURCHASE OF CONTRACTED SERVICES FOR PROGRAMS BE INCREASED THREE FOLD.

A) PROGRAM DEVELOPMENT SHOULD INCLUDE ESTABLISHMENT AND REIMBURSEMENT OF HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

RECOMMENDATION 6. EVALUATIONS FOR JUVENILE OFFENDERS (page 37)

THE COMMISSION RECOMMENDS THAT DESIGNATED FUNDS BE MADE AVAILABLE TO PROBATION TO PURCHASE PRE-TRIAL OR PRESENTENCE EVALUATIONS OF JUVENILE OFFENDERS FROM LOCAL SERVICES IN LIEU OF COMMITMENT TO THE MAINE YOUTH CENTER, EXCEPT IN EXTRAORDINARY CASES.

RECOMMENDATION 7. CHANGES IN PROBATION TERMS (page 40)

THE COMMISSION RECOMMENDS THAT THE STATUTES RELATING TO PROBATION BE AMENDED TO ALLOW THE COURT TO SENTENCE OFFENDERS TO A PERIOD OF PROBATION NOT TO EXCEED 2 YEARS FOR CLASS D AND E CRIMES, 3 YEARS FOR CLASS C CRIMES, 5 YEARS FOR CLASS B CRIMES, AND 10 YEARS FOR CLASS A CRIMES.

THE TOTAL SENTENCE FOR PROBATION AND INCARCERATION FOR FELONIES SHOULD NOT EXCEED THE PRESENT STATUTORY MAXIMUM FOR THE CRIME FOR WHICH SENTENCE IS IMPOSED.

RECOMMENDATION 8. POST RELEASE SUPERVISION (page 41)

THE COMMISSION RECOMMENDS THAT ALL PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS WITHOUT A SPLIT SENTENCE BE REQUIRED TO SERVE A MANDATORY PERIOD OF PROBATION FOLLOWING THEIR RELEASE FROM D.O.C. FACILITIES. THE MANDATORY PERIOD SHOULD BE 3 YEARS FOR CLASS A OFFENDERS, 2 YEARS FOR CLASS B OFFENDERS, AND 1 YEAR FOR CLASS C OFFENDERS: SUBJECT TO INCARCERATION FOR A PERIOD OF UP TO AN ADDITIONAL 2 YEARS FOR VIOLATION OF PROBATION.

RECOMMENDATION 9. CHANGE IN MURDER STATUTE (page 41)

THE COMMISSION RECOMMENDS THAT THE STATUTE FOR IMPRISONMENT FOR MURDER BE AMENDED TO REQUIRE THAT ANY PERSONS RELEASED AFTER A SENTENCE FOR MURDER SERVE A FIVE YEAR PROBATIONARY PERIOD, SUBJECT TO INCARCERATION FOR A PERIOD OF UP TO AN ADDITIONAL FIVE YEARS FOR VIOLATION OF PROBATION.



RECOMMENDATION 10. YOUTH AID OFFICERS FOR COURTS (page 41)

THE COMMISSION RECOMMENDS THAT YOUTH AID OFFICERS SHOULD BE ASSIGNED TO THE STAFF OF THE DISTRICT COURT JUDGES TO COORDINATE DISPOSITION ALTERNATIVES FOR JUVENILE OFFENDERS.

RECOMMENDATION 11. THE COMMISSION RECOMMENDS THE REINSTATEMENT OF THE SENTENCING GUIDELINES COMMISSION TO STUDY THE NEED FOR GUIDELINES IN ORDER TO ENSURE EQUITY AND FAIRNESS IN THE SENTENCING PROCESS (page 42)

RECOMMENDATION 12. INTENSIVE SUPERVISION PROGRAM (ISP) (page 43)

THE COMMISSION RECOMMENDS THAT THE DIVISION OF PROBATION AND PAROLE ESTABLISH AN INTENSIVE SUPERVISION PROGRAM FOR FELONY OFFENDERS. PUBLIC SAFETY SHOULD BE A PARAMOUNT FACTOR IN THE SELECTION OF APPROPRIATE CANDIDATES FOR THIS PROGRAM, THOUGH THIS COMMISSION URGES THAT CANDIDATES BE JUDGED ON A CASE BY CASE BASIS.

A) TO PROTECT THE USE OF THIS RESOURCE FOR THOSE OFFENDERS MOST IN NEED OF SUCH INTENSIVE SUPERVISION, CLASSIFICATION AND ASSESSMENT MUST FIRST BE CONDUCTED BY THE CENTRAL CLASSIFICATION CENTER AND REPORTS AND RECOMMENDATIONS OF ELIGIBILITY RETURNED TO THE SENTENCING COURT OR THE BOARD OF COMMUNITY PLACEMENTS.

B) THE COURT SHOULD HAVE THREE SENTENCING OPTIONS IN REGARD TO ISP AND COMMUNITY PROGRAMS.

1) IT MAY PLACE OFFENDERS DIRECTLY IN ISP OR ALTERNATIVE COMMUNITY PROGRAMS AFTER RECEIVING EVALUATIONS AND RECOMMENDATIONS FROM THE CENTRAL CLASSIFICATION CENTER.

2) AT THE TIME OF SENTENCING TO THE DEPARTMENT OF CORRECTIONS THE SENTENCING COURT MAY DECLARE AN OFFENDER INELIGIBLE FOR ISP.

3) AT THE TIME OF SENTENCING TO THE DEPARTMENT OF CORRECTIONS THE JUDGE MAY FIX A DATE FOR CONSIDERATION OF ELIGIBILITY FOR ISP OR COMMUNITY PROGRAMS BY THE BOARD OF COMMUNITY PLACEMENTS. (FOR A DESCRIPTION OF THE PROPOSED BOARD OF COMMUNITY PLACEMENTS, SEE RECOMMENDATION #13.) ALTERNATIVELY THE COURTS MAY ORDER THAT THE DATE OF ELIGIBILITY FOR ISP OR COMMUNITY PROGRAMS BE DETERMINED BY THE BOARD.

RECOMMENDATION 13. BOARD OF COMMUNITY PLACEMENTS (page 45)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF AN INDEPENDENT THREE MEMBER BOARD OF COMMUNITY PLACEMENTS APPOINTED BY THE GOVERNOR AND ATTACHED, FOR ADMINISTRATIVE PURPOSES ONLY, TO THE DEPARTMENT OF CORRECTIONS. THE BOARD WILL HAVE THE FOLLOWING RESPONSIBILITIES:

A) DETERMINATION OF READINESS FOR TRANSFER TO ISP OR COMMUNITY PROGRAMS FOR THOSE COMMITTED TO D.O.C. AT A TIME FIXED AT SENTENCING OR LEFT TO THE DISCRETION OF THE BOARD BY THE COURT.

B) TO IDENTIFY NEEDS FOR COMMUNITY SERVICES IN COLLABORATION WITH THE DIVISION OF COMMUNITY PROGRAMS AND TO ENSURE THEIR DEVELOPMENT.

RECOMMENDATION 14. CENTRAL OFFICE ORGANIZATION (page 49)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF THE TABLE OF ORGANIZATION SHOWN IN FIGURE 2 FOR THE DEPARTMENT OF CORRECTIONS, INCLUDING THE ASSIGNMENT OF NEW STAFF AS NEEDED TO IMPLEMENT THIS STRUCTURE.

RECOMMENDATION 15. CLASSIFICATION (page 52)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A CLASSIFICATION SYSTEM LODGED UNDER THE DIRECTOR OF CLASSIFICATION.

A) THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A CENTRAL RECEPTION UNIT FOR ALL PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS WHICH WOULD UNDERTAKE THE ASSESSMENT AND CLASSIFICATION OF ALL OFFENDERS AND THE DEVELOPMENT OF INDIVIDUAL PROGRAMS TO INCLUDE THE MONITORING OF ALL EDUCATIONAL, MEDICAL, INDUSTRIAL, AND OTHER PROGRAMS INTENDED TO MEET THE VARIOUS NEEDS OF THE OFFENDER POPULATION, AND ASSESSMENT OF THEIR COST EFFECTIVENESS.

B) THE COMMISSION RECOMMENDS THAT THE CENTER BE AVAILABLE FOR PRESENTENCE EVALUATION OF PERSONS CONVICTED OF SERIOUS FELONIES BUT FOR WHOM THE COURT DETERMINES THAT A NON-INSTITUTIONAL OR INTENSIVE SUPERVISION PROGRAM ALTERNATIVE SHOULD BE CONSIDERED.

RECOMMENDATION 16. INFORMATION DEVELOPMENT AND MANAGEMENT RESEARCH (page 54)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF AN INFORMATION DEVELOPMENT AND RESEARCH SYSTEM. THIS SHOULD INCLUDE NOT ONLY THE TRACKING OF INDIVIDUAL OFFENDERS BUT ALSO THE MONITORING OF ALL EDUCATIONAL, MEDICAL, INDUSTRIAL AND OTHER PROGRAMS INTENDED TO MEET THE VARIOUS NEEDS OF THE OFFENDER POPULATION AND ASSESSMENT OF THEIR COST EFFECTIVENESS.

A) THE COMMISSION RECOMMENDS THAT THE INFORMATION DEVELOPED BY THIS UNIT BE MADE AVAILABLE TO THE SENTENCING COURT ANNUALLY AND/OR UPON REQUEST.

B) THE COMMISSION RECOMMENDS THAT THIS INFORMATION BE MADE AVAILABLE TO THE PROPOSED PERMANENT COMMISSION ON CRIMINAL JUSTICE.

C) THE COMMISSION RECOMMENDS THAT THE INFORMATION SYSTEM DEVELOPED BY THIS OFFICE SHOULD BE COORDINATED WITH THE INFORMATION SYSTEM OF OTHER CRIMINAL JUSTICE SYSTEMS INCLUDING LAW ENFORCEMENT AND THE COURTS. THE LONG RANGE OBJECTIVE WOULD BE TO CREATE AN OFFENDER BASED TRANSACTION SYSTEM WHICH WOULD TRACK THE CRIMINAL JUSTICE CAREERS OF OFFENDERS.

RECOMMENDATION 17. INSTITUTIONAL PROGRAMS (page 56)

THE COMMISSION RECOMMENDS THE EXPANSION AND DEVELOPMENT OF PROGRAMS WITHIN THE INSTITUTIONS IN THE AREA OF EDUCATION, VOCATIONAL EDUCATION, AND COUNSELING FOR SUBSTANCE ABUSE AND SEX OFFENDERS THROUGH THE GREATER UTILIZATION OF CONTRACTED SERVICES WITH VOCATIONAL TRAINING INSTITUTES, ADULT EDUCATION PROGRAMS, AND SOCIAL AND MENTAL HEALTH SERVICES.

IT IS IMPERATIVE THAT SCHEDULING OF THESE SERVICES AVOID CONFLICT WITH EACH OTHER OR WITH WORK OPPORTUNITIES IN THE CASE OF OFFENDERS WITH MULTIPLE NEEDS WHO REQUIRE ACCESS TO THESE PROGRAMS WITHIN THE INSTITUTIONS.

RECOMMENDATION 18. PAID WORK FOR INMATES (page 57)

THE COMMISSION RECOMMENDS THAT A SYSTEM OF GRADED PAYMENTS BE ESTABLISHED BY THE DEPARTMENT OF CORRECTIONS FOR ALL WORK ASSIGNMENTS IN THEIR FACILITIES. MONEY FOR THESE PAYMENTS SHOULD COME FROM A DESIGNATED FUND GENERATED BY THE INDUSTRIES PROGRAM.

RECOMMENDATION 19. INDUSTRIAL PROGRAMS (page 58)

THE COMMISSION RECOMMENDS ESTABLISHMENT OR EXPANSION AND UPGRADING OF INDUSTRIES AT MSP AND MCC.

1) THE COMMISSION RECOMMENDS THAT A POLICY BE ENACTED REQUIRING STATE TAX SUPPORTED AGENCIES TO GIVE PURCHASING PRIORITY WHERE POSSIBLE TO PRISON INDUSTRIAL PRODUCTS.

2) THE COMMISSION RECOMMENDS THAT THE POSITION OF DIRECTOR OF INDUSTRIES BE ESTABLISHED UNDER THE DIRECTION OF THE ASSOCIATE COMMISSIONER OF ADMINISTRATIVE SERVICES.

3) THE COMMISSION RECOMMENDS THAT AN INDUSTRIES ADVISORY BOARD BE APPOINTED DRAWING ON A WIDE CROSS-SECTION OF BUSINESS, INDUSTRY, VOCATIONAL TRAINING AND POTENTIAL MARKET SOURCES.

RECOMMENDATION 20. MEDICAL CLINICS (page 59)

THE COMMISSION RECOMMENDS THE EXPANSION OF THE MEDICAL CLINICS AT BOTH MSP, MCC AND MYC WITH STAFFING BY MEDICAL PERSONNEL ON A 24-HOUR-A-DAY, 7-DAYS-A-WEEK BASIS.

RECOMMENDATION 21. SERVICES FOR MENTAL HEALTH INTERVENTION (page 60)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A SPECIAL SECURE UNIT LOCATED AT AUGUSTA MENTAL HEALTH INSTITUTE FOR A RELATIVELY SMALL NUMBER OF SEVERELY MENTALLY DISTURBED INMATES WHO REQUIRE INTENSIVE MENTAL HEALTH INTERVENTION NOT AVAILABLE AT THE CORRECTIONAL INSTITUTIONS. SUCH A UNIT MIGHT BE STAFFED BY THE DEPARTMENT OF CORRECTIONS AND WOULD PURCHASE PROFESSIONAL MEDICAL AND PSYCHOLOGICAL SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH.

RECOMMENDATION 22. STAFF TRAINING (page 61)

THE COMMISSION RECOMMENDS THAT MORE INTENSIVE EFFORTS BE MADE BY THE CRIMINAL JUSTICE ACADEMY AND THE DEPARTMENT OF CORRECTIONS, TO WORK TOGETHER TOWARD THE EXPANSION AND DEVELOPMENT OF MORE INNOVATIVE AND CREATIVE CURRICULA, MATERIALS, AND EDUCATIONAL EXPERIENCES TO BE DELIVERED TO ALL CORRECTIONAL STAFF.

RECOMMENDATION 23. CRIMINAL JUSTICE ADVISORY COMMISSION (page 62)

THE COMMISSION RECOMMENDS THAT A CRIMINAL JUSTICE ADVISORY COMMISSION BE APPOINTED BY THE GOVERNOR TO INITIATE, REVIEW, AND MONITOR CHANGES IN THE CRIMINAL JUSTICE SYSTEM INCLUDING THE LONG-TERM DEVELOPMENT OF AN OFFENDER BASED TRANSACTION SYSTEM. THE COMMISSION SHOULD INCLUDE MEMBERS REPRESENTING THE COURTS, PROSECUTORS, DEFENSE ATTORNEYS, LAW ENFORCEMENT, CORRECTIONS, HUMAN SERVICE AGENCIES, AND A CRIMINOLOGIST; AND SHOULD BE LODGED UNDER THE DEPARTMENT OF PUBLIC SAFETY.

RECOMMENDATION 24. JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS (page 63)

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS.

RECOMMENDATION 25. LEGISLATIVE IMPACT STATEMENT (page 64)

THE COMMISSION RECOMMENDS THAT CHANGES IN THE CRIMINAL CODE AND OTHER LEGISLATION EFFECTING THE USE OF CORRECTIONAL RESOURCES BE ACCOMPANIED BY A CORRECTIONAL IMPACT STATEMENT ASSESSING THE ADDITIONAL RESOURCES OR ADJUSTMENTS NEEDED TO ACCOMMODATE THE PROPOSED CHANGES.





## COMMUNITY CORRECTIONS RECOMMEDATIONS

*"Continued or renewed support by families for incarcerated offenders is the best indication discovered in research studies for success after release. Confinement in the county rather than a remote state institution will help sustain or renew such relationships."*



## COMMUNITY CORRECTIONS RECOMMENDATIONS

Confinement of offenders in the Maine State Prison at Thomaston, the Maine Correctional Center at Windham or the Maine Youth Center at South Portland are the most expensive forms of punishment for adult criminals or juvenile delinquents. Current D.O.C. estimates set the yearly cost per inmate at \$18,000 for the Prison, \$16,000 for the Correctional Center and \$25,000 for the Youth Center. The costs reflect the varying levels of security required and professional services available. The increasing public demand and reliance on imprisonment as the primary sanction for offenders is undoubtedly the most costly policy to pursue. If this continues at the current rate, there will be no alternative but an enormously costly building program to house those committed.

Maine is now at a critical juncture in determining the future direction of correctional policy. It is essential that the public, the legislature, the Executive Branch and the various agencies comprising the criminal justice system fully appreciate the cost and

significance of the choices now being made in trying to control crime. Current statistics indicate that about 20 percent of the crimes known to the police are cleared by arrest and there are 4 commitments to prison for every 100 serious crimes reported to the police. Research indicates that the deterrent effect of punishments depends more on certainty and swiftness than severity. If the penalties are neither swift nor certain, not much is gained by increasing severity. Yet increased severity of sentence is the current direction of our criminal policy. The principal benefit we can hope to gain is the prolonged incapacitation of offenders who would be unable to commit further crime while confined. But given the cost of prison confinement, this is a measure which should be reserved for the serious and violent offenders from whom we most need protection.

With this view in mind the Commission was surprised to discover the number of offenders sentenced and serving less than a year in the custodial facilities of the Department of Corrections. In a 25 percent sample of admissions to the Prison and the Correctional

Center from 1980 to 1985, almost half (47.2 percent) had been sentenced to serve one year or less. In fact, in this sample, 21.5 percent had sentences of six months or less. When actual time served, with good time allowances, is considered, 55.2 percent are released within a year and nearly half of these (47 percent) stay six months or less.<sup>5</sup>

Sentences of less than a year are normally served in local jails or treatment centers. In Maine there has been a practice of committing misdemeanants, age 18 to 26, to the Maine Correctional Center. In recent years the idea of "shock probation", involving a short prison term followed by probation, gained support. The courts were authorized to give a split sentence (part confinement and part probation) and commitment to the D.O.C. for this purpose. Despite the failure of research to find evidence of the effectiveness of "shock probation", the practice has continued and expanded in Maine for two apparently unrelated reasons. In a number of counties where local facilities of confinement were inadequate, the judge preferred to commit to the D.O.C. This also served to pass the cost of confinement onto the State.

In other cases the unavailability of treatment resources at the county level as compared to the state served to justify such commitments. The recent expansion of split sentences, however, appears to be related more to the effort of the courts to provide for a period of supervision after confinement as a substitute for parole.

### State Reimbursement to Counties

It is the view of the Commission that the responsibility for the short term confinement of less serious offenders sentenced to less than a year should become a responsibility of the counties. It is simply poor correctional policy to consume our most expensive correctional resources for such offenders when much less costly alternatives can be developed at the local level. The Commission recognizes that the revenues from the property tax could not support this increased burden and, therefore, proposes the state reimbursement of the county for its care of sentenced prisoners. In fact, the proposal would provide some property tax relief since state reimbursement for sentenced prisoners now confined in county jails at county expense should prove an inducement to participation in the program to furnish adequate facilities of various types for different categories of short term sentenced offenders. The advantage at the state level would be the cost savings in utilization of county facilities rather than the more expensive state institutional placements. This proposal would

not only provide financial relief to the counties for sentenced prisoners but would help achieve very important correctional objectives.

Continued or renewed support by families for incarcerated offenders is the best indicator discovered in research studies for success after release. Confinement in the county rather than in a remote state institution will help sustain or renew such relationships. Keeping less serious offenders close to home where the precipitating problems can be worked out makes sense also for those needing alcohol or drug treatment, work-study, work release, or involvement in restitution or community placement programs. All of these programs impose penalties and restrictions of movement and obligations that are able to provide community protection against crime, as well as community supported solutions for local problems.

RECOMMENDATION 1. STATE REIMBURSEMENT TO  
COUNTIES

THE COMMISSION RECOMMENDS THAT THOSE SENTENCED TO CONFINEMENT FOR LESS THAN ONE YEAR, EXCLUDING ANY PERIOD OF PROBATION, BE COMMITTED TO SERVE THAT TERM IN FACILITIES ESTABLISHED BY THE COUNTY. A UNIFORM RATE OF REIMBURSEMENT ESTABLISHED AND REVIEWED ANNUALLY BY THE D.O.C. WOULD BE PAID TO THE COUNTIES, TO BE PLACED INTO A JAIL ACCOUNT, FOR ALL SUCH SENTENCED OFFENDERS CONFINED IN THEIR FACILITIES, SUBJECT TO THE FOLLOWING CONDITIONS.

A) THE RATE OF REIMBURSEMENT SHALL REFLECT ONLY THE ADDITIONAL COST OF CONFINEMENT OF SENTENCED PRISONERS EXCLUDING THE DIRECT AND INDIRECT COST TO THE COUNTY OF MAINTAINING PRE-TRIAL DETENTION FACILITIES AND SERVICES.

B) THE JUDGE MAY ORDER THE OFFENDER TO REIMBURSE THE STATE FOR THE COST OF HIS CONFINEMENT BASED ON THE OFFENDERS ABILITY TO PAY, AND SUBJECT TO A PRIORITY OF PAYMENTS WHICH PLACES FIRST-RESTITUTION, SECOND REIMBURSEMENT, AND THIRD FINES.

C) THE D.O.C. SHALL HAVE THE RESPONSIBILITY FOR DEVELOPING STANDARDS FOR THE OPERATION OF FACILITIES AND PROGRAMS FOR SENTENCED OFFENDERS AND MONITORING COMPLIANCE WITH THESE STANDARDS.

D) THE COMMISSION RECOMMENDS THAT STATE REIMBURSEMENT FOR SENTENCED PRISONERS ALSO BE USED TO ESTABLISH AND REIMBURSE HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

The Commission proposes that a uniform rate be established by D.O.C. on an annual basis and that this payment should go into a designated jail account. This would ensure the availability of funds to maintain standards for facilities and programs. The Commission views the pre-trial detention of offenders as a distinctly local responsibility and proposes to reimburse the county only for the added burden of sentenced prisoners. The State in turn may receive reimbursement of costs from sentenced prisoners who are able to pay.

The Commission also recognizes that the State is already housing some of its prisoners in local jails with reimbursement and that not only the prisons but the jails are full. However, in order to meet standards of jail operations many counties have voted bond issues to reconstruct or renovate their jails. These renovations are usually providing for expansion possibilities which could be undertaken with state assistance or the potential of state reimbursement for space used by sentenced prisoners. In addition, the recommendation contemplates that local authorities could establish, or purchase from the private sector, housing for many minor offenders in half-way houses, group homes, and residential treatment facilities. This would result in the gradual development of a network of community based resources to deal with local crime and delinquency problems that are likely to be more successfully dealt with there than in some remote state facility.

In short, this recommendation proposes a gradual redistribution of the correctional problem so that less serious offenders are dealt with at the local level and long term offenders requiring secure confinement at the state level. This will be a cost-saving measure in the long run and should lead to the reduction of overcrowding at the state level depending how quickly some counties are able to expand their facilities for sentenced prisoners, including those confined for operating under the influence (OUI).

Estimates of the cost of such a program to the State and the potential impact on county facilities and population capacity were furnished by the D.O.C. at the request of the Commission and are detailed in Appendix A. When good time allowances are taken into account the estimated annual cost would be 5.8 million dollars. Based on a state population of 1200 inmates about 560 or 46.6 percent would be diverted to the counties. The savings to the State in avoiding the cost of new facilities as well as the cost of maintaining these inmates in state facilities would obviously provide a

substantial off-set to the county reimbursements. In the view of the Commission this is the most important recommendation it is able to make toward both short term and long term management of the overcrowding problem at state correctional facilities. From the standpoint of correctional policy it offers the opportunity of making the most cost-effective use of state and county correctional resources and future capabilities.

#### Probation Staff and Workload

At both the state and local level the present Division of Probation and Parole in the D.O.C. provides community correctional supervision and program services. It is currently severely understaffed in dealing with its assigned responsibilities. Its basic mission is to supervise offenders placed directly on probation by the courts or following a term of imprisonment under the split sentence provision. Caseloads are rising steadily.

The total number of cases now under probationary supervision exceeds 5500, and averages 100 cases per officer for adults and closer to 50 for juvenile caseworkers. The caseloads will continue to increase as more of the prisoners recently sentenced under the split sentence provision are released. Adequate attention to the adjustment problems of offenders can not be provided at such levels, nor does the community obtain the protection it should receive through closer supervision of these offenders in the community. At the present time the general public impression and

that conveyed by many offenders is that probation carries little penalty or obligation. There is an urgent need to restore credibility to probation supervision. This can be accomplished in part by reducing the average caseload size for adult offenders and proportionately for juveniles. An estimate of the costs provided by the D.O.C. is contained in Appendix B.

#### RECOMMENDATION 2. PROBATION STAFF AND WORKLOAD

THE COMMISSION RECOMMENDS THAT SUFFICIENT PROBATION OFFICERS AND SUPPORTING STAFF BE ADDED TO THE DIVISION OF COMMUNITY PROGRAMS TO MAINTAIN A CASELOAD AVERAGE OF 60 PROBATIONERS PER OFFICER.

A) THE COMMISSION URGES THE DEPARTMENT TO DEVELOP A FORMULA THAT FULLY TAKES ACCOUNT OF WORKLOAD RESPONSIBILITIES OF THE PROBATION STAFF IN ADDITION TO THE SUPERVISION OF PROBATIONERS.

However, the supervision of offenders is not the only task required of the probation staff. The request of courts for presentence

investigations forms a major part of the workload and involves court appearances as well as field investigations. Increasingly, judges are also making use of the statutory provisions that allow restitution to victims or community service as part of the sentence for offenders. Making such arrangements can be time consuming as well. It is because the measure of average caseload does not adequately reflect these additional responsibilities that the Commission urges the Department to develop realistic formulas of the actual time allocations in performing probation tasks. This would help to assure that the supervisory functions are not neglected under the pressure of other duties, and would ensure greater public visibility of these activities.

### Probation Assistance for Imprisoned Offenders

One of the greatest difficulties confronting offenders about to be released from confinement is the establishment of prospective living and work arrangements in the community. This problem is most readily overcome if assistance from the field services can begin prior to release. It would appear desirable to explore further what might be required to provide such assistance on a routine basis for all offenders released from D.O.C. facilities. To this end the Commission sees value in the staffing by the Division of Probation and Parole of an office at each of the pre-release centers and institutions now operated by the D.O.C. (See Appendix C for cost estimates).

### RECOMMENDATION 3. OFFICES AT CORRECTIONAL INSTITUTIONS AND PRE-RELEASE CENTERS

THE COMMISSION RECOMMENDS THAT THE DIVISION OF COMMUNITY PROGRAMS SHOULD ESTABLISH AN OFFICE AT EACH PRE-RELEASE CENTER AND INSTITUTION IN ORDER TO BETTER ASSIST INMATES IN FINDING JOBS, RESIDENCES, AND TO HELP WITH OTHER PROGRAMMING NEEDS.

### Workers' Compensation for Prisoners

Increasingly, employers are concerned about the costs of providing coverage for workers' compensation in the event of injury on the job. This issue is beginning to limit the availability of appropriate work for prisoners on work release, on-the-job vocational training, or even in community service projects. Employers feel that the job commitment of the prisoner tends to be short term for such assignments and could increase the risk of exploitation of the system by the worker. The Commission believes, however, that such work assignments provide valuable job training experiences in some cases and appropriate penalties in others that enrich the correctional program and assignment options. The Commission felt that more opportunities would be created if prisoners were excluded from coverage on such work assignments, except where they are covered by the employer's policy. This recommendation corresponds generally with legislation now proposed by the Committee on the Collection of Fines.



#### RECOMMENDATION 4. WORKERS COMPENSATION

THE COMMISSION RECOMMENDS THAT THE RELEVANT STATUTES ON WORKERS COMPENSATION BE AMENDED TO EXCLUDE FROM COVERAGE THOSE OFFENDERS IN COMMUNITY SERVICE PROGRAMS OR ON THE JOB VOCATIONAL TRAINING, UNLESS COVERED BY THEIR EMPLOYERS POLICY.

#### Purchase Service Funds

In the area of community corrections the Commission is recommending the development of a new network of facilities and programs for persons sentenced for less than a year to local confinement. There is a similar need to create community based assistance for offenders sentenced to longer terms to probation or to D.O.C. To this end a special fund for the development of community programs and the purchase of contracted services is currently administered by the D.O.C. In the present budget this fund amounts to \$1.1 million and should be increased. The development of more placement possibilities and more specialized services is needed for judges sentencing offenders directly to probation. The availability of more such options for the courts, (including the development of volunteer programs utilizing university students majoring in the social sciences), would help to divert offenders who are now committed to D.O.C. because of the insufficiency of appropriate programs of treatment and control. By the same token the increased availability of such

programs for persons being released to probation after a period of confinement on a split sentence would make a successful reintegration into the community life a more likely prospect.

#### RECOMMENDATION 5. PURCHASE SERVICE FUNDS

THE COMMISSION RECOMMENDS THAT THE FUNDS NOW ALLOCATED FOR COMMUNITY DEVELOPMENT AND PURCHASE OF CONTRACTED SERVICES FOR PROGRAMS BE INCREASED THREE FOLD.

A) PROGRAM DEVELOPMENT SHOULD INCLUDE ESTABLISHMENT AND REIMBURSEMENT OF HALFWAY HOUSES, GROUP HOMES, THERAPEUTIC GROUP HOMES, AND RESIDENTIAL TREATMENT FACILITIES FOR MULTIPLE OFFENDER GROUPS, INCLUDING DRUG, ALCOHOL AND SEX OFFENDERS, BOTH JUVENILES AND ADULTS.

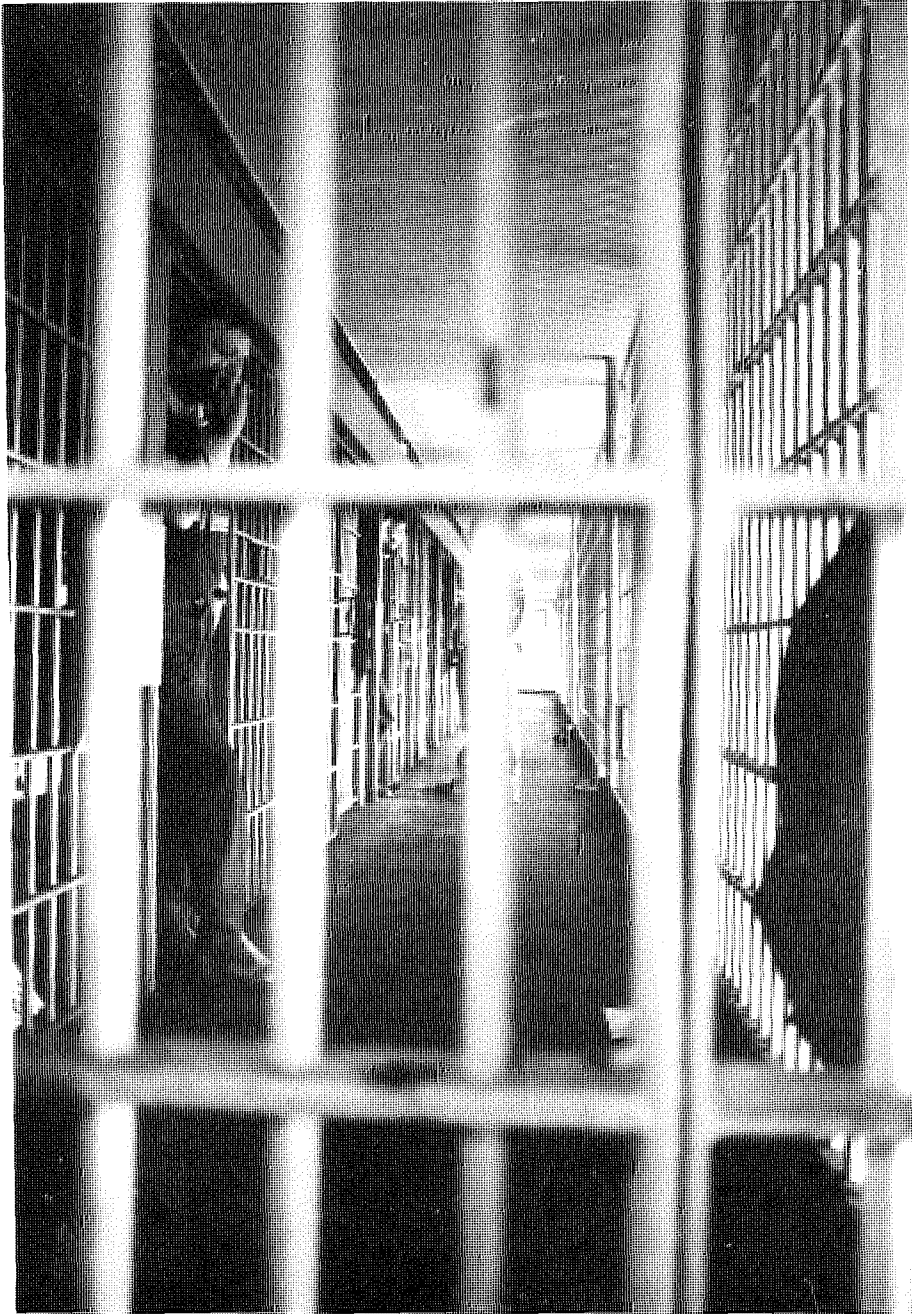
#### Evaluations for Juvenile Offenders

As noted previously in the discussion of problems in juvenile correctional services, attention was drawn to the need to provide pre-trial and presentence evaluations of juvenile offenders without the necessity of committing youth to the Maine Youth Center for this purpose. Funds should be made available so that many of these evaluations could be carried out through locally purchased services on either a residential or non-residential basis. (See Appendix D for cost estimate).

#### RECOMMENDATION 6. EVALUATIONS FOR JUVENILE OFFENDERS

THE COMMISSION RECOMMENDS THAT DESIGNATED FUNDS BE MADE AVAILABLE TO PROBATION TO PURCHASE PRE-TRIAL OR PRESENTENCE EVALUATIONS OF JUVENILE OFFENDERS FROM LOCAL SERVICES IN LIEU OF COMMITMENT TO THE MAINE YOUTH CENTER, EXCEPT IN EXTRAORDINARY CASES.





## SENTENCING RECOMMENDATIONS

*"There is a need to amend the statutes in various ways to increase the control judges may exercise in their sentencing of offenders whom they regard as posing an unusual danger to the community."*

## SENTENCING RECOMMENDATIONS

The Commission recommendations for the establishment of an Intensive Supervision Program operated by a Division of Community Programs (under the proposed reorganization of D.O.C.), the sentencing of minor offenders to an expanded network of community facilities and programs, and strengthening of probation supervision and related programs are all intended to increase the availability of credible sentencing options for the courts in place of many commitments now made to D.O.C. At the same time, there is a need to amend the statutes in various ways to increase the control judges may exercise in their sentencing of offenders whom they regard as posing an unusual danger to the community.

### Length of Probation Supervision

A common problem encountered by the courts in sentencing under present statutes is the inability to require a sufficient period of supervision in the community. This situation arises, for example, in some cases of sex

offenders who might be required to serve less time in confinement if adequately supervised for a longer period of time in the community than currently allowed under existing statutes. To allow the courts more flexibility in this regard the Commission endorses the idea of allowing up to two years probation for D and E class crimes and longer periods for Class A, B, and C crimes.

### RECOMMENDATION 7. CHANGES IN PROBATION TERMS

THE COMMISSION RECOMMENDS THAT THE STATUTES RELATING TO PROBATION BE AMENDED TO ALLOW THE COURT TO SENTENCE OFFENDERS TO A PERIOD OF PROBATION NOT TO EXCEED 2 YEARS FOR CLASS D AND E CRIMES, 3 YEARS FOR CLASS C CRIMES, 5 YEARS FOR CLASS B CRIMES, AND 10 YEARS FOR CLASS A CRIMES.

THE TOTAL SENTENCE FOR PROBATION AND INCARCERATION FOR FELONIES SHOULD NOT EXCEED THE PRESENT STATUTORY MAXIMUM FOR THE CRIME FOR WHICH SENTENCE IS IMPOSED.

### Supervision Following Confinement

The Commission noted that many offenders committed to the D.O.C. without a split sentence would be eligible for release at the termination of sentence, less good time allowances, without any period of post-release supervision. Good correctional practice in the interest of community protection and assistance in reintegrating offenders into the community would require a period of community supervision. It, therefore, appeared necessary to add a mandatory period of supervision in such cases, though the steadily growing resort to the imposition of split sentences by the courts may make such a requirement increasingly rare.

### RECOMMENDATION 8. POST RELEASE SUPERVISION

THE COMMISSION RECOMMENDS THAT ALL PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS WITHOUT A SPLIT SENTENCE BE REQUIRED TO SERVE A MANDATORY PERIOD OF PROBATION FOLLOWING THEIR RELEASE FROM D.O.C. FACILITIES. THE MANDATORY PERIOD SHOULD BE 3 YEARS FOR CLASS A OFFENDERS, 2 YEARS FOR CLASS B OFFENDERS, AND 1 YEAR FOR CLASS C OFFENDERS: SUBJECT TO INCARCERATION FOR A PERIOD OF UP TO AN ADDITIONAL 2 YEARS FOR VIOLATION OF PROBATION.

It seemed an anomaly to the Commission that a period of probationary supervision should be permissible for all crimes except murder. Accordingly the Commission offers the following recommendation.

### RECOMMENDATION 9. CHANGE IN MURDER STATUTE

THE COMMISSION RECOMMENDS THAT THE STATUTE FOR IMPRISONMENT FOR MURDER BE AMENDED TO REQUIRE THAT ANY PERSONS RELEASED AFTER A SENTENCE FOR MURDER SERVE A FIVE YEAR PROBATIONARY PERIOD, SUBJECT TO INCARCERATION FOR A PERIOD OF UP TO AN ADDITIONAL FIVE YEARS FOR VIOLATION OF PROBATION.

### Court Youth Aid Officers

As noted in the previous discussion of juvenile correctional problems, judges sometimes experience difficulty in working out appropriate assignments of financial and treatment responsibilities among the various agencies providing child and youth services. It appeared that this decision making process would be greatly expedited by the assignment of youth

officers to the staff of the District Courts to negotiate these arrangements for the Court. This proposal was advanced to provide personnel directly responsible to the court, rather than to one of the child service agencies, to assist the judge in determining the most equitable and appropriate assignment of responsibility. The intent of the proposal is to provide a more neutral and objective negotiation of responsibilities than juvenile case workers in the Division of Probation and Parole may be able to arrange. Youth aid workers assigned to the court were perceived by a majority of the Commission members as more strategically located to coordinate and allocate financial and treatment responsibilities, especially for those children whose problems engage several agencies at the same time because they are neglected, dependent, abused, truant and delinquent.

#### RECOMMENDATION 10. YOUTH AID OFFICERS FOR COURTS

THE COMMISSION RECOMMENDS THAT YOUTH AID OFFICERS SHOULD BE ASSIGNED TO THE STAFF OF THE DISTRICT COURT JUDGES TO COORDINATE DISPOSITION ALTERNATIVES FOR JUVENILE OFFENDERS.

#### Sentencing Guidelines

In reviewing sentencing problems, the issue of disparity in sentencing among different courts for similar types of offenses and offenders was raised by Commission members. Since a prior commission on sentencing was in the process of being activated, this Commission felt this issue and the development of sentencing guidelines should not form part of its agenda. It is the view of a majority of this Commission, however, that the issue of sentencing disparity is one that needs to be publicly debated in view of the control the courts now exercise over the length of confinement since the abolition of parole in Maine. Reactivation of the Sentencing Guidelines Commission would enable such a debate and more careful study to take place. An opposing view is presented in Appendix E of this report by one of the Commission's members.

#### RECOMMENDATION 11. THE COMMISSION RECOMMENDS THE REINSTATEMENT OF THE SENTENCING GUIDELINES COMMISSION TO STUDY THE NEED FOR GUIDELINES IN ORDER TO ENSURE EQUITY AND FAIRNESS IN THE SENTENCING PROCESS.

## Intensive Supervision Program

An Intensive Supervision Program (ISP) is well worth undertaking, based on the results of such programs in other jurisdictions. As envisioned here in Maine, ISP would provide the courts and the D.O.C. with an innovative criminal justice tool which protects the public, penalizes the offender, and at the same time encourages offenders to become productive members of society, contributing to the tax rolls, volunteering for community service work, paying child support, restitution and other debts. Intensive Supervision Programs have been established in approximately a dozen other states as a method to reduce prison overcrowding without jeopardizing public safety. The Commission proposes, to take that one step further and advocate its use as a sentencing alternative available to the courts, for offenders who would otherwise serve time in state correctional facilities.

## RECOMMENDATION 12. INTENSIVE SUPERVISION PROGRAM (ISP)

THE COMMISSION RECOMMENDS THAT THE DIVISION OF PROBATION AND PAROLE ESTABLISH AN INTENSIVE SUPERVISION PROGRAM FOR FELONY OFFENDERS. PUBLIC SAFETY SHOULD BE A PARAMOUNT FACTOR IN THE SELECTION OF APPROPRIATE CANDIDATES FOR THIS PROGRAM, THOUGH THIS COMMISSION URGES THAT CANDIDATES BE JUDGED ON A CASE BY CASE BASIS.

A) TO PROTECT THE USE OF THIS RESOURCE FOR THOSE OFFENDERS MOST IN NEED OF SUCH INTENSIVE SUPERVISION, CLASSIFICATION AND ASSESSMENT MUST FIRST BE CONDUCTED BY THE CENTRAL CLASSIFICATION CENTER AND REPORTS AND RECOMMENDATIONS OF ELIGIBILITY RETURNED TO THE SENTENCING COURT OR THE BOARD OF COMMUNITY PLACEMENTS.

B) THE COURT SHOULD HAVE THREE SENTENCING OPTIONS IN REGARD TO ISP AND COMMUNITY PROGRAMS.

1) IT MAY PLACE OFFENDERS DIRECTLY IN ISP OR ALTERNATIVE COMMUNITY PROGRAMS AFTER RECEIVING EVALUATIONS AND RECOMMENDATIONS FROM THE CENTRAL CLASSIFICATION CENTER.



2) AT THE TIME OF SENTENCING TO THE DEPARTMENT OF CORRECTIONS THE SENTENCING COURT MAY DECLARE AN OFFENDER INELIGIBLE FOR ISP.

3) AT THE TIME OF SENTENCING TO THE DEPARTMENT OF CORRECTIONS THE JUDGE MAY FIX A DATE FOR CONSIDERATION OF ELIGIBILITY FOR ISP OR COMMUNITY PROGRAMS BY THE BOARD OF COMMUNITY PLACEMENTS. (FOR A DESCRIPTION OF THE PROPOSED BOARD OF COMMUNITY PLACEMENTS, SEE RECOMMENDATION #13.) ALTERNATIVELY THE COURTS MAY ORDER THAT THE DATE OF ELIGIBILITY FOR ISP OR COMMUNITY PROGRAMS BE DETERMINED BY THE BOARD.

ISP consists of a caseload of 25 offenders closely supervised by a 2 person team of officers. Noted nationally for its tough monitoring approach, ISP requires that the offender agree to at least 5 face-to-face contacts with the officers per week, random chemical testing, residential and personal searches, and stringent curfews.

Designed to target offenders who, without ISP, would be prison bound, this rigorous surveillance has led some eligible offenders in other states to opt to serve "hard time" in state facilities rather than continue in ISP.

As tough as it is, ISP does allow offenders to participate in rehabilitative programs, maintain their job or their status as students, while insuring that child support, restitution, and the partial cost of the program itself, be paid. Immediate arrest and incarceration will be available to ISP Officers as enforcement tools for violations of these conditions.

The Commission also foresees some long-term advantages to ISP in the economic benefits of reducing prison overcrowding. However, in order to accomplish this, ISP must serve as an alternative sanction for enough offenders to allow the average savings in prison budgets to exceed the per participant cost of the program. If admission to ISP is monitored properly, a few hundred ISP placements can translate into substantial savings. On the other hand, if offenders who would have otherwise been placed

on traditional probation are placed in ISP, it could represent a marked increase in costs to the D.O.C. For this reason the Commission has recommended final approval for direct admission to ISP be a responsibility of the court only after an evaluation by the proposed Central Classification Center operated by the D.O.C. (see Recommendation #15). Release to ISP from Correctional confinement would be given final approval by the proposed Board of Community Placement (see Recommendation #13).

Currently courts face two options in sentencing a felon: 1) incarceration in our already overcrowded state facilities; or 2) probation with a caseworker who is overwhelmed with an increasing case load, and diversified responsibilities. Intensive Supervision, with development of community resources, offers the court and the Department of Corrections a new option that affords the offender every opportunity to become an asset to society, while assuring the public that punishment and public safety are enforced. (For cost estimates see Appendix F).

#### Board of Community Placements

The extent to which release from confinement in correctional facilities should be fixed by knowledge available to the court at the time of sentencing or influenced by information available only later on has been widely debated among criminal justice professionals in recent years. In Maine, with the abolition of parole, primary responsibility for fixing the term of confinement is lodged in the courts though the control over good time allowances by the D.O.C. could lengthen the period of confinement by the denial of good time provided by statute or the D.O.C. could release somewhat earlier through furlough or work and educational release programs. The Commission felt that some capacity should be established in the criminal justice system to respond to information not available to the court in determining the desirability of transferring inmates to ISP or other community programs. The circumstances of offenders may change considerably, especially during long periods of confinement and new, effective programs may become available in such a way as to affect release considerations.

Since resentencing by the court in Maine has been declared an infringement of the Governor's commutation power, the Commission proposes to create an independent Board of Community Placements, appointed by the Governor, to determine readiness for release at a time fixed by the court or left to Board discretion, in some cases, by the court.

In addition, the necessity for developing more fully a graduated system of community programs with varying degrees of supervision and restriction of freedom of movement, available for placement by the Board, suggests the importance of a close collaborative working relationship with the Division of Community Programs (currently known as the Division of Probation and Parole).

#### RECOMMENDATION 13. BOARD OF COMMUNITY PLACEMENTS

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF AN INDEPENDENT THREE MEMBER BOARD OF COMMUNITY PLACEMENTS APPOINTED BY THE GOVERNOR AND ATTACHED, FOR ADMINISTRATIVE PURPOSES ONLY, TO THE DEPARTMENT OF CORRECTIONS. THE BOARD WILL HAVE THE FOLLOWING RESPONSIBILITIES:

A) DETERMINATION OF READINESS FOR TRANSFER TO ISP OR COMMUNITY PROGRAMS FOR THOSE COMMITTED TO D.O.C. AT A TIME FIXED AT SENTENCING OR LEFT TO THE DISCRETION OF THE BOARD BY THE COURT.

B) TO IDENTIFY NEEDS FOR COMMUNITY SERVICES IN COLLABORATION WITH THE DIVISION OF COMMUNITY PROGRAMS AND TO ENSURE THEIR DEVELOPMENT.



## **CORRECTIONAL MANAGEMENT RECOMMENDATIONS**

*"Managing Maine's correctional system in its current state of stress requires hard work, long hours, and few rewards."*

## CORRECTIONAL MANAGEMENT RECOMMENDATIONS

Managing Maine's Correctional System in its current state of stress requires hard work, long hours and few rewards. It is a system struggling through its first years of independence, having separated from the Department of Mental Health only 4 years ago. In that time the average yearly population within the facilities has increased 37 percent, and the caseloads for Probation Officers have risen by 21 percent.

This dramatic growth has not been accompanied by the additional staff needed to maintain the standard of supervision necessary in a correctional system. As a result, employees must work longer hours under constant pressure with little hope of things improving in the near future. A noticeable increase in the numbers of employees calling in sick leads the Commission to think that the Department will be experiencing higher turnover rates than in the past. Correctional Officers constantly working under stressful conditions are forgoing overtime duties, rather than report to an assignment that will be understaffed.

The influx of sex offenders has heightened tension among inmates at the institutions so that protective custody units are always overflowing. The current double celling taking place in the segregation area at the Prison limits its usefulness for disciplinary measures and creates a reckless and defiant attitude among inmates who sense an increasing administrative difficulty in applying customary disciplinary measures. Makeshift housing dorms, set up in program areas or corridors, create a difficult setting for Correctional Officers to supervise and reduce the space available for activities.

In short, the inmate overcrowding dilemma, and the increase in sex offenders are not only taxing the limits of the institutions, but are seriously impacting the morale and safety of the employees, who work in this atmosphere daily, and their capacity to maintain discipline.

The duties which probation officers are expected to perform have multiplied in recent years as courts impose more restitution to be collected, and requests for presentence

evaluations showed an increase of 63 percent in 1984. These responsibilities in addition to average caseloads of 100 probationers per officer and a growth in the statewide caseload of 100 cases per month point to the need for additional field support.

Along with the usual administrative duties, a seriously understaffed Central Office must respond promptly to unforeseen problems such as the diagnosis of an inmate with AIDS, or the continuous stream of pending lawsuits. This leaves little or no time to initiate some practices deemed imperative by this Commission 1) to implement a central classification procedure with tracking, monitoring, and program development components, 2) to computerize an effective management information system, 3) to aggressively market and coordinate prison industries, 4) to design and enforce an internal system of inspection, investigation and standards.

Additional administrative and clerical staff are clearly needed in order to advance the effective and professional management of the

Correctional System. There are no simple solutions for a Department lacking the ability to regulate the population flow within the system. Certainly, relieving overcrowding through a deliberate shift to Community Corrections should spark the morale of both institutions and probation employees. Yet even with fewer offenders, more flexibility to delegate responsibility must be built into the system to allow innovative reactions to a periodic crisis without the constant involvement of top administration.

The recommendations regarding Correctional Management are designed to encourage the development of a well-defined philosophy and visionary strategy aimed at the enhancement of the entire correctional process.

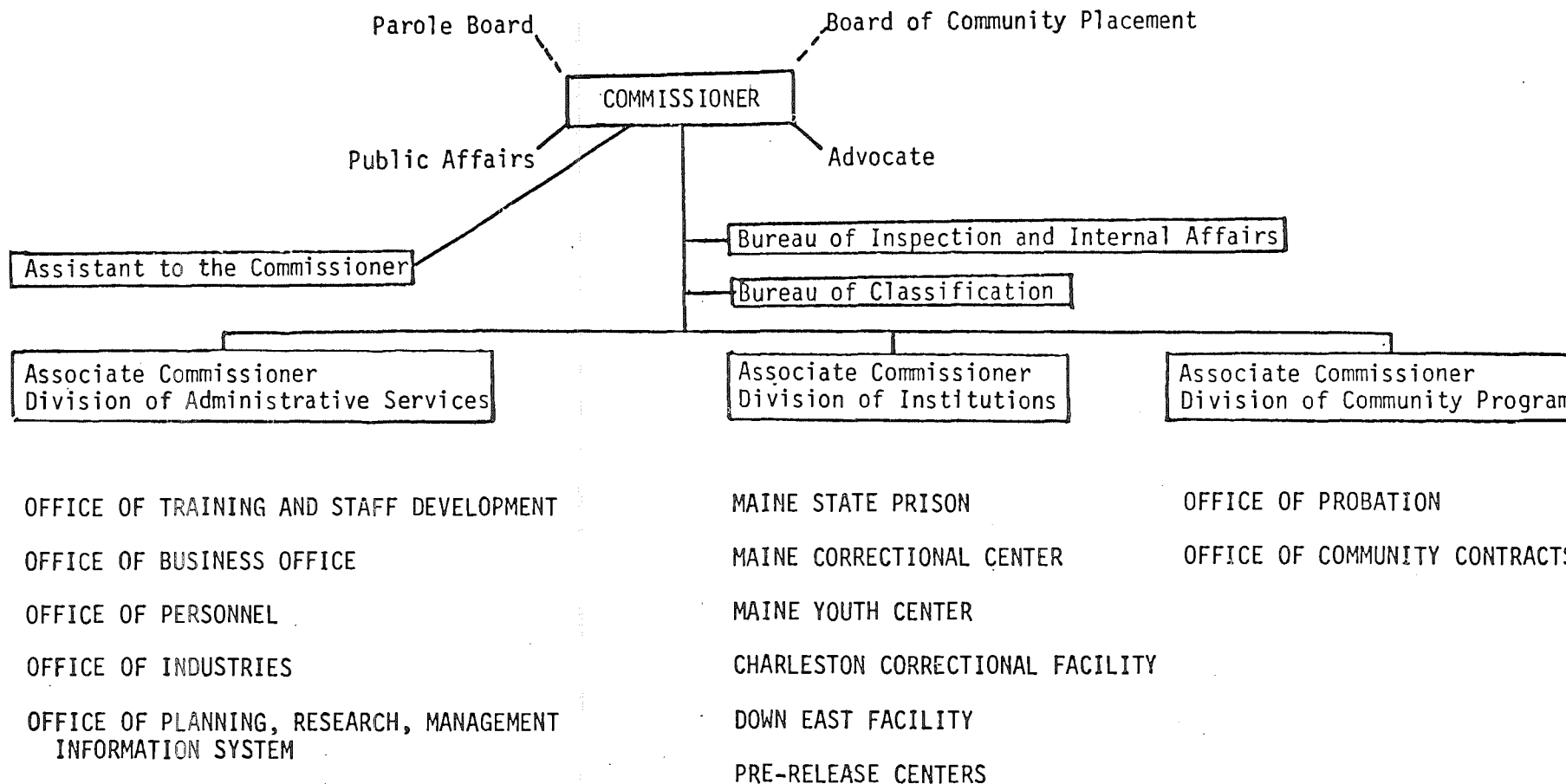
#### RECOMMENDATION 14. CENTRAL OFFICE ORGANIZATION

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF THE TABLE OF ORGANIZATION SHOWN IN FIGURE 2 FOR THE DEPARTMENT OF CORRECTIONS, INCLUDING THE ASSIGNMENT OF NEW STAFF AS NEEDED TO IMPLEMENT THIS STRUCTURE.

FIGURE 2

PROPOSED TABLE OF  
ORGANIZATION

DEPARTMENT OF CORRECTIONS



The Commission recommends the establishment of the above table of organization for the Department of Corrections, including the assignment of new staff as needed to implement this structure.

After reviewing the present staff structure, the Commission realized the need to reorganize the Department as well as supplement with additional employees. The proposed table of organization seeks to establish clear lines of authority for the assignment of responsibility even in crisis situations.

For example, the proposed Public Affairs Officer should handle media contacts in an emergency situation, a responsibility that presently consumes administrative attention needed to deal with the emergency itself. In addition that Officer would act as a liaison for the committees and staff of the Legislature, and establish an ongoing public education program.

The Bureau of Inspection and Internal Affairs would be responsible for assuring maintenance of quality practices consistent with statutory intent, professional correctional and emergency standards for safe, healthful, and secure correctional facilities. This responsibility would include the following:

Establishing Standards: The division would, along with participation from affected and interested parties, establish standards for the state correctional system which would set forth the requirements of Maine law, professional correctional standards such as those of the American Correctional Association, and case law applicable to Maine's correctional system.

Inspections: Inspections would provide correctional managers with a total view of facility and operations using objective measures and would provide the department with information, verified by on-site inspection, regarding the compliance with all department standards.

Technical Assistance: The Bureau would be responsible to provide technical assistance to achieve compliance where possible. This would be accomplished through available staff resources or arrangements coordinated with relevant existing state or federal agencies. Technical assistance services provide an important function in facilitating compliance.



Enforcement of Standards: The Bureau's philosophy would be to attempt to facilitate compliance with standards and to assist in achieving compliance. However, when such an approach does not produce compliance, enforcement powers could be appropriately invoked by the Commissioner.

Internal Investigations: The Bureau would cooperate with the current Office of Inmate Advocate to conduct investigations into complaints or allegations pertaining to practices by departmental personnel and clients which may violate departmental policy or procedures.

### Classification

According to the National Institute of Corrections "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. In a time when already limited program resources are diminishing, classification is viewed as the most efficient way to allocate those resources and achieve the best possible delivery of services and opportunity for rehabilitation."

Classification is the system which defines and implements an inmate's appropriate housing and program placement relative to security, work assignments and educational and treatment needs. Initial placement decisions and continual reassessment in moving inmates through the system requires a structure and process of classification which is both objective and flexible.

The Commission's proposed reception center will be responsible for conducting an assessment

and evaluation on every offender committed to the Department of Corrections. The physical location of this unit may be a new facility (perhaps combined with special housing) or may be an operationally and physically distinct unit of an existing institution.

This intake process would include arrest and criminal records, development of an inmate history to include social, criminal, educational, medical and psychological background, evaluations and recommendations, as well as an orientation program.

Facility classification exists at each major institution to refine and implement the basic individualized plan developed during initial classification. Scheduled review of placements to reassess inmates needs and progress take place at the institutional level and reclassification recommendations may be made, though facility transfer would be approved by central classification.

It is recommended that this proposed classification system contain provisions for research, a tracking system, program review and development, continual feedback to the courts, and regular self-evaluation.

A Director of Classification would be appointed at the departmental level to assure centralization of classification. An information system (preferably computerized) should be developed to assist in monitoring classification activities.

#### RECOMMENDATION 15. CLASSIFICATION

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A CLASSIFICATION SYSTEM LODGED UNDER THE DIRECTOR OF CLASSIFICATION.

A) THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A CENTRAL RECEPTION UNIT FOR ALL PERSONS SENTENCED TO THE DEPARTMENT OF CORRECTIONS WHICH WOULD UNDERTAKE THE ASSESSMENT AND CLASSIFICATION OF ALL OFFENDERS AND THE DEVELOPMENT OF INDIVIDUAL PROGRAMS TO INCLUDE THE MONITORING OF ALL EDUCATIONAL, MEDICAL,

INDUSTRIAL, AND OTHER PROGRAMS INTENDED TO MEET THE VARIOUS NEEDS OF THE OFFENDER POPULATION, AND ASSESSMENT OF THEIR COST EFFECTIVENESS.

B) THE COMMISSION RECOMMENDS THAT THE CENTER BE AVAILABLE FOR PRESENTENCE EVALUATION OF PERSONS CONVICTED OF SERIOUS FELONIES BUT FOR WHOM THE COURT DETERMINES THAT A NON-INSTITUTIONAL OR INTENSIVE SUPERVISION PROGRAM ALTERNATIVE SHOULD BE CONSIDERED.

#### Information Development and Management Research

During the past few months the Department has worked closely with the State Bureau of Central Computer Services (CCS) in developing a statewide correctional management information system. The thrust of this work focused on the need to develop an information system that provides centralized data processing needed to manage the correctional system as a whole while providing individual departmental entities, such as the Maine State Prison and Probation and Parole, with the ability to utilize the same system to meet their individual specialized needs. In September, the department signed an agreement with AT&T Information Systems to provide necessary computer services to implement such a system. Presently, hardware needs have been met and the development of a Master Record System and a telecommunications software package is underway.

As a result of both the development and implementation of an information system, the department, in conjunction with AT&T and CCS, have identified the need for two additional

positions within the department to manage and maintain this system. These positions are

1. Director of Management Information, and
2. Data Entry Staff

These positions will enable the Department to meet its short term needs. In addition, however, the long term development of an Offender Based Transaction system in tandem with other Criminal Justice Programs in Maine will go a long way toward ensuring public safety through better tracking of individual offenders and routine feed back on the relative effectiveness of different programs in reducing recidivism.

#### RECOMMENDATION 16. INFORMATION DEVELOPMENT AND MANAGEMENT RESEARCH

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF AN INFORMATION DEVELOPMENT AND RESEARCH SYSTEM. THIS SHOULD INCLUDE NOT ONLY THE TRACKING OF INDIVIDUAL OFFENDERS BUT ALSO THE MONITORING OF ALL EDUCATIONAL, MEDICAL, INDUSTRIAL AND OTHER PROGRAMS INTENDED TO MEET THE VARIOUS NEEDS OF THE OFFENDER POPULATION AND ASSESSMENT OF THEIR COST EFFECTIVENESS.

A) THE COMMISSION RECOMMENDS THAT THE INFORMATION DEVELOPED BY THIS UNIT BE MADE AVAILABLE TO THE SENTENCING COURT ANNUALLY AND/OR UPON REQUEST.

B) THE COMMISSION RECOMMENDS THAT THIS INFORMATION BE MADE AVAILABLE TO THE PROPOSED PERMANENT COMMISSION ON CRIMINAL JUSTICE.

C) THE COMMISSION RECOMMENDS THAT THE INFORMATION SYSTEM DEVELOPED BY THIS OFFICE SHOULD BE COORDINATED WITH THE INFORMATION SYSTEM OF OTHER CRIMINAL JUSTICE SYSTEMS INCLUDING LAW ENFORCEMENT AND THE COURTS. THE LONG RANGE OBJECTIVE WOULD BE TO CREATE AN OFFENDER BASED TRANSACTION SYSTEM WHICH WOULD TRACK THE CRIMINAL JUSTICE CAREERS OF OFFENDERS.

## Institutional Programs

Though current public sentiment regarding corrections appears centered around a punishment and public protection philosophy, the Commission sees the need to broaden the rehabilitative nature of our system. While 56.8 percent of Maine's inmates are between 18 and 25 years of age, the average length of stay in prison is 22.8 months.<sup>6</sup> This leads us to conclude that Maine's typical inmate has a long life awaiting him after release, and it is in the public's best interest to meet his relevant education and mental health needs while he is incarcerated.

--Programs for substance abusers and sex offenders are crucial if these offenders are to stand a chance to break the pattern of recidivism.

--Higher enrollment in GED programs at the institutions must be attained to enhance job opportunities after release.

These objectives might best be reached through a greater use of contracted services

with community vendors. At public hearings across the state education and social service staff members testified that viable programs are ready and available, if the corrections system had the funds to purchase them.

Bringing these community programs into a prison setting is cost effective, offers greater flexibility in scheduling, and avoids "institutional burnout."

## RECOMMENDATION 17. INSTITUTIONAL PROGRAMS

THE COMMISSION RECOMMENDS THE EXPANSION AND DEVELOPMENT OF PROGRAMS WITHIN THE INSTITUTIONS IN THE AREA OF EDUCATION, VOCATIONAL EDUCATION, AND COUNSELING FOR SUBSTANCE ABUSE AND SEX OFFENDERS THROUGH THE GREATER UTILIZATION OF CONTRACTED SERVICES WITH VOCATIONAL TRAINING INSTITUTES, ADULT EDUCATION PROGRAMS, AND SOCIAL AND MENTAL HEALTH SERVICES.

IT IS IMPERATIVE THAT SCHEDULING OF THESE SERVICES AVOID CONFLICT WITH EACH OTHER OR WITH WORK OPPORTUNITIES IN THE CASE OF OFFENDERS WITH MULTIPLE NEEDS WHO REQUIRE ACCESS TO THESE PROGRAMS WITHIN THE INSTITUTIONS.

### Paid Work for Inmates

Maine is one of only 4 states that does not pay inmates for their work in kitchen, laundry areas, etc. Currently, the only inmates in the entire system who are compensated are the relatively few (approximately 100) working in the industry and novelty programs at the Maine State Prison. Those slots are primarily taken by "long timers" which limits the number of new inmates who can enter the programs. This situation leads to problems well beyond the concerns of the industries. Inmates refuse to progress into medium or minimum facilities because they know they will be unable to earn money there. Even small amounts of compensation would alleviate this problem by providing inmates with funds to purchase items from the commissary, assist their family members, or begin payment of restitution to victims. Therefore, the Commission urges that the Department develop a more equitable system of payment so that inmates in all facilities on work assignments are compensated. (For an estimate of cost see Appendix G).

### RECOMMENDATION 18. PAID WORK FOR INMATES

THE COMMISSION RECOMMENDS THAT A SYSTEM OF GRADED PAYMENTS BE ESTABLISHED BY THE DEPARTMENT OF CORRECTIONS FOR ALL WORK ASSIGNMENTS IN THEIR FACILITIES. MONEY FOR THESE PAYMENTS SHOULD COME FROM A DESIGNATED FUND GENERATED BY THE INDUSTRIES PROGRAM.

## Prison Industries

Successful prison industry programs are hailed as a method to: 1) provide inmate with training in gainful occupations; 2) reduce inmate idleness, and; 3) reduce prison costs through a successful marketing of products.

In comments delivered at the University of Nebraska, Chief Justice Warren E. Burger told of a recent visit to Sweden's prisons where "prisoners were making components for prefabricated houses, under the supervision of skilled carpenters. Those components could be assembled at a building site by semi-skilled workers under trained supervision. In the Peoples Republic of China 1,000 inmates in one prison I visited made up a complete factory unit producing hosiery, and what we would call casual or sport shoes. That was truly a factory with a fence around it."

Though the Maine State Prison has had an industrial program for several years, it can not be called "a factory with a fence around it." Fewer than 25 percent of the inmates at

Thomaston are currently employed in industries, and there is no industry program offered at the Maine Correctional Center.

Though security must remain the top priority at Thomaston, the double duty which officers are required to perform in the shops causes confusion, limits productivity, and affects product quality. There is a need to establish a better business or production type environment, and a clearer long range plan or effective strategy to produce marketable items. Employment skills which could be utilized after release are not being developed sufficiently and the industries which are in place are not geared to post release job prospects.

The Commission views the expansion and upgrading of industries as a unique opportunity to deal effectively with the inmate idleness problem, to increase the likelihood for post release employment, and to make industries fiscally profitable.

#### RECOMMENDATION 19. INDUSTRIAL PROGRAMS

THE COMMISSION RECOMMENDS ESTABLISHMENT OR EXPANSION AND UPGRADING OF INDUSTRIES AT MSP AND MCC.

1) THE COMMISSION RECOMMENDS THAT A POLICY BE ENACTED REQUIRING STATE TAX SUPPORTED AGENCIES TO GIVE PURCHASING PRIORITY WHERE POSSIBLE TO PRISON INDUSTRIAL PRODUCTS.

2) THE COMMISSION RECOMMENDS THAT THE POSITION OF DIRECTOR OF INDUSTRIES BE ESTABLISHED UNDER THE DIRECTION OF THE ASSOCIATE COMMISSIONER OF ADMINISTRATIVE SERVICES.

3) THE COMMISSION RECOMMENDS THAT AN INDUSTRIES ADVISORY BOARD BE APPOINTED DRAWING ON A WIDE CROSS-SECTION OF BUSINESS, INDUSTRY, VOCATIONAL TRAINING AND POTENTIAL MARKET SOURCES.

#### Medical Needs

The Medical Clinics at Maine State Prison, the Maine Correctional Center, and the Maine Youth Center are not staffed after 10 p.m. This situation raises serious security problems regarding unexpected inmate medical transfers in the middle of the night. Having qualified medical personnel on the scene would assure that emergencies could be more accurately diagnosed and that all transfers out of the facilities would be truly of medical necessity.

Though at first glance this appears to be a costly recommendation it should be noted that many inmates who currently would be hospitalized with 24 hour guarded supervision would, under this proposal, be able to remain at the prison medical clinic at a substantial savings. (For cost estimates see Appendix H).

#### RECOMMENDATION 20. MEDICAL CLINICS

THE COMMISSION RECOMMENDS THE EXPANSION OF THE MEDICAL CLINICS AT BOTH MSP, MCC AND MYC WITH STAFFING BY MEDICAL PERSONNEL ON A 24-HOUR-A-DAY, 7-DAYS-A-WEEK BASIS.



## Mental Health Needs

There has been much discussion in recent months regarding the roles of Mental Health and Corrections, and the clients they share. According to the Department of Corrections, there are perhaps a dozen inmates who, at any one time, are in need of intensive psychiatric services that can not be provided, cost effectively, at the prisons. The most reasonable solution to this dilemma appears to be the establishment of a special unit at Augusta Mental Health Institute, or the Bangor Mental Health Institute, that would be guarded around the clock by Correctional Officers. Both of these locations offer close proximity to hospitals should the need arise for acute medical attention. Such a unit could utilize the state's current medical and mental health services, while maintaining public safety through constant supervision in restricted quarters.

## RECOMMENDATION 21. SERVICES FOR MENTAL HEALTH INTERVENTION

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A SPECIAL SECURE UNIT LOCATED AT THE AUGUSTA OR BANGOR MENTAL HEALTH INSTITUTE FOR A RELATIVELY SMALL NUMBER OF SEVERELY MENTALLY DISTURBED INMATES WHO REQUIRE INTENSIVE MENTAL HEALTH INTERVENTION NOT AVAILABLE AT THE CORRECTIONAL INSTITUTIONS. SUCH A UNIT MIGHT BE STAFFED BY THE DEPARTMENT OF CORRECTIONS AND WOULD PURCHASE PROFESSIONAL MEDICAL AND PSYCHOLOGICAL SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH.

## Staff Training

Current state laws require that corrections officers (training school counselors, guards, etc.) receive at least 80 hours of certified training in the first year of employment and 20 hours per year thereafter. A bulk of the \$75,000 allotted for this training is used for overtime so that staff can be taken "off line" for training. Top management cite the need for programs and classes aimed at administrative personnel, while correction officers complain that their training is repetitive, rather than cumulative.

By establishing the position of Staff Development Specialist (see D.O.C. Organization Chart) better lines of communication between the D.O.C. employees and the Maine Criminal Justice Academy might be coordinated, so that training will become more relevant and effective.

## RECOMMENDATION 22. STAFF TRAINING

THE COMMISSION RECOMMENDS THAT MORE INTENSIVE EFFORTS BE MADE BY THE CRIMINAL JUSTICE ACADEMY AND THE DEPARTMENT OF CORRECTIONS, TO WORK TOGETHER TOWARD THE EXPANSION AND DEVELOPMENT OF MORE INNOVATIVE AND CREATIVE CURRICULA, MATERIALS, AND EDUCATIONAL EXPERIENCES TO BE DELIVERED TO ALL CORRECTIONAL STAFF.

## Criminal Justice System

The Criminal Justice Community, mainly law enforcement, prosecutors, courts, defense attorneys, and corrections cannot effect changes in their sphere of operations without impacting the other areas of the system. Currently, there is no arena for debate, or charting of the course of Criminal Justice as a statewide system. Therefore, we propose a permanent Commission to serve as a vehicle to review any major policy decision or changes in legislation to assess its impact on all of the components of the system.

For example the dramatic rise in reports of sexual abuse have seriously affected the entire criminal justice process. Though Maine has made headway in the treatment of victims, little has been done to address appropriate punishment and/or treatment of offenders, many of whom were victimized as children. The first order of business for this Commission might well be to launch a comprehensive study and analysis of this situation with short and long term recommendations dealing with procedure, policy, and the possibility of offender rehabilitation.

## RECOMMENDATION 23. CRIMINAL JUSTICE ADVISORY COMMISSION

THE COMMISSION RECOMMENDS THAT A CRIMINAL JUSTICE ADVISORY COMMISSION BE APPOINTED BY THE GOVERNOR TO INITIATE, REVIEW, AND MONITOR CHANGES IN THE CRIMINAL JUSTICE SYSTEM INCLUDING THE LONG-TERM DEVELOPMENT OF AN OFFENDER BASED TRANSACTION SYSTEM. THE COMMISSION SHOULD INCLUDE MEMBERS REPRESENTING THE COURTS, PROSECUTORS, DEFENSE ATTORNEYS, LAW ENFORCEMENT, CORRECTIONS, HUMAN SERVICE AGENCIES, AND A CRIMINOLOGIST; AND SHOULD BE LODGED UNDER THE DEPARTMENT OF PUBLIC SAFETY.

## SELECTED LEGISLATIVE ISSUES

Although many of the recommendations of the Blue Ribbon Commission require legislative approval, the following recommendations are designed to focus the legislature's attention more closely on the correctional system.

### Legislative Committee on Corrections

Legislative enactments have had a major impact on the correctional system within the past decade with the abolition of parole, the revision of the criminal code and, in general, longer mandatory minimums. Yet there appears to have been little long or short range study concerning the additional needs of the Department of Corrections resulting from these changes.

Perhaps one explanation of this oversight is that the already overburdened responsibilities of the Judiciary and Human Resource Committees preclude a closer examination of the correctional system. Because of the critical situation and long range needs of the Department

of Corrections, including the development of a more effective system of community corrections, the Commission urges the establishment of a legislative committee.

### RECOMMENDATION 24. JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS

THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF A JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS.

### Impact Statement

The population of Maine's Correctional System is determined, in part, by the legislature through its ability to amend the criminal code. While the legislature has the power to require tougher mandatory minimums, this Commission feels that it also has the responsibility to provide the necessary fiscal resources to adequately staff the system to ensure public safety, and to maintain inmate housing and safety standards that are deemed compatible with constitutional rights.

### RECOMMENDATION 25. LEGISLATIVE IMPACT STATEMENT

THE COMMISSION RECOMMENDS THAT CHANGES IN THE CRIMINAL CODE AND OTHER LEGISLATION EFFECTING THE USE OF CORRECTIONAL RESOURCES BE ACCOMPANIED BY A CORRECTIONAL IMPACT STATEMENT ASSESSING THE ADDITIONAL RESOURCES OR ADJUSTMENTS NEEDED TO ACCOMMODATE THE PROPOSED CHANGES.

## **CONCLUSION**

The correctional crisis is real and urgent. Steps must be taken as quickly as possible to deal with the immediate situation as well as to launch longer term solutions.

The Commission strongly endorses the development of an effective community correctional system that will yield improved community protection and more cost effective use of correction resources. The State of Maine can not afford a correctional policy that just calls for building more prisons to deal with overcrowding. We must first develop ways of dealing with less serious offenders that conserve costly prison space for punishing those from whom the public most needs protection. The implementation of the Commissions recommendations on community corrections, sentencing and correctional organization will achieve these ends.

# FOOTNOTES FOR REPORT

- 1 "Prisoners in 1984", Bureau of Justice Statistics, U.S. Department of Justice (April 1985) p. 4
- 2 Bangor Daily News, November 4, 1985
- 3 "Prisoners in 1984", Bureau of Justice Statistics, U.S. Department of Justice (April 1985), p. 8
- 4 Gail S. Funke, Who's Buried in Grant's Tomb?: Economics and Corrections for the Eighties and Beyond, Alexandria Virginia Institute for Economic and Policy Studies, Inc. (1985)
- 5 The Ehrenkrantz Group, Inmate Population Profiles, Interim Report to Department of Corrections, (September 1985)
- 6 Ibid

## Appendix A

### State Reimbursement to Counties

#### Fiscal Impact

##### 1. Sentenced County Jail Population:

1984 statewide county jail inmate population data show the average daily population sentenced to county jails to be 281 inmates who served a total of 102,459 days. At a reimbursement cost of \$30 per day, per inmate, the projected annual cost for this county population would be \$3,073,770 annually.

##### 2. Sentenced State Population Less Than One Year:

Based on data provided by the Ehrenkrantz Group, 47.1 percent of all admissions to the Department of Corrections are serving sentences of less than one year (21.5 percent six months or less, 25.6 percent seven months to 364 days). At projected cost of reimbursement to the county system for state inmates would be as follows:

-more-



Appendix A Cont.

a. Six Months:

21.5 percent or 252 inmates serving a maximum of six months sentenced at a rate of \$30 a day per inmate totaling \$1,383,480 annually (252 inmates times 183 days times \$30 per day).

b. 364 Days:

25.6 percent or 307 inmates serving a maximum sentence of 364 days at rate of \$30 per day per inmate totaling \$3,352,440 annually (307 times 364 days times \$30 per day).

The projected total fiscal impact of state reimbursement to counties for sentenced county and state inmates is \$7.5 million annually.

Sentenced County Population	3,073,770
State Inmate, 6 Months	1,383,480
State Inmate, 364 Days	<u>3,352,440</u>

Total                      \$7,809,690    Annually

Cost projections do not include the potential impact of good time. Realistically, most inmates would not serve a full six months or 364 days, thus reducing projected cost by as much as 25 percent to \$5,857,268.

-more-

## Appendix A. Cont.

### Impact, County Jail Population

Our county jail system has a present rated capacity of 430 adult male beds and a daily average adult male population of 500, sixty of which are state inmates. An additional 199 beds are presently under construction or design which would increase capacity to 629 during the next three years. A shift of 47.1 percent of admissions of less than one year has the potential of increasing county population by 559 adult males. With the present daily adult male population, less state inmates in the county system, the counties' inmate population could reach as high as 1,000 adult males for which there would be only 629 beds available, creating a bedspace shortage of about 370 beds.

Appendix B

Probation Staff and Workload

The Commission recommends that sufficient probation officers and supporting staff be added to the Division of Probation and Parole to maintain a caseload not to exceed sixty probationers per officer. The Commission urges the Department to develop a formula that fully takes account of workload responsibility for probation staff, in addition to the supervision of probationers. If we were to take current caseload statistics and apply a one-to-sixty formula, the Division would require 23 new field officers. In addition, they would also require two additional District Supervisors and seven clerical personnel.

Probation and Parole Officer                      Range 20 (Non-standard)

Each	\$24,275	Personal Services
	3,599	All Other
	<u>368</u>	Capital
Total Each	\$28,242	
	<u>X 23</u>	

TOTAL FOR 23 NEW POSITIONS      \$649,566

Probation and Parole District Supervisor                      Range 26 (Non-standard)

Each	\$31,038	Personal Services
	3,599	All Other
	<u>368</u>	Capital
Total Each	\$35,005	
	<u>X 2</u>	

TOTAL FOR TWO NEW SUPERVISOR POSITIONS      \$70,010

~~-more-~~

Appendix B Cont.

Clerk Typist III

Range 12

Each

\$16,486

944

900

Personal Services

All Other

Capital

Total Each

\$18,330

X 7

TOTAL FOR SEVEN NEW POSITIONS

\$128,310

GRAND TOTAL

\$735,803

96,583

15,500

\$847,886

Appendix C

Probation and Pre-Release Centers

The Commission is recommending that the Division of Probation and Parole should establish an office at each pre-release center and institution in order to better assist inmates in finding jobs, residences, and help with other programming needs. This would require an additional six Probation and Parole Officers at an approximate cost of:

Probation & Parole Officer I	\$24,275	Personal Services
(PPO I)		
Range 20 (Non-standard	2,099	All Other
	<u>368</u>	Capital
	\$26,742	
	<u>X 6</u>	
	\$160,452	TOTAL REQUESTED

## Appendix D

### District Court Juvenile Evaluation Services

According to MYC, approximately 300 court-ordered diagnostic evaluations are performed at the Maine Youth Center each year. Of that number, the Department estimates that approximately 50 percent of those evaluations, or 150, could be performed by local services in the community in lieu of MYC.

A rule of thumb within mental health is that a diagnostic evaluation costs approximately \$350. If we use that figure (\$350 times 150 evaluations), \$52,500 would need to be made available to the Juvenile Court in order to purchase pre-trial evaluations from local services in lieu of having MYC complete those evaluations.

The Department also estimates that the Juvenile Court would require sufficient funds to purchase approximately another 150 evaluations within the community. This estimate is based upon experience with a pilot community evaluation project, which showed that a number of juveniles referred to the project would not necessarily have been sent to MYC for evaluations had the project not been in existence. This indicates that there may be a "widening of the net" effect in that more juveniles would be referred for evaluations than in the past if evaluation services are increased in the community. Therefore, an additional \$52,500 would need to be made available for a total of \$105,000.

## Appendix E

### Dissenting Views of Donald G. Alexander

The recommendations of this Commission's report, in general emphasize the need to promote more alternative choices in sentencing and individualized treatment of offenders. The recommendation supporting continuation of the Sentencing Guidelines Study works directly contrary to those goals. Accordingly, I dissent from that recommendation.

Proposals to impose sentencing guidelines have been extensively reviewed in other states, and have been studied for more than a year already by the Guidelines Commission here in Maine. The issue was fully discussed at the 1984 Sentencing Institute. More study is not needed. Instead, we have a clear philosophical choice. We can proceed down the road to more individualized sentencing decisions, as the Commission recommends, or we can adopt the "just desserts" philosophy of those who support sentencing guidelines and would impose sentences according to mechanical formulas. We cannot do both.

Sentencing guidelines are promoted as a device to foster sentencing "equality". But sentencing equality, like ultimate justice or eternal peace, is a valid goal that will always be beyond reach. Each case, each defendant, each victim is unique. Numerical calculations designed to gauge "equality" or "disparity" really compare disparate situations. With sentencing guidelines, judicial discretion would be reduced, to be replaced by mathematical calculations on the few factors that could necessarily be included in any formula. The very personal nature of the sentencing process, and the ability to consider the hundreds of variables necessarily involved with human events and human frailties would be reduced. But the discretion which guidelines advocates criticize would remain. It would just shift backwards to prosecutors or forward to corrections officials. Prosecutors would come to exercise more discretion in selecting the

-/ more-

#### Appendix E Cont.

charge upon which persons would be sentenced -- influencing sentencing by charge selection to a far greater extent than occurs today. Corrections officials would also develop mechanisms to exercise more discretion in deciding who would be released and when to relieve overcrowding, to reward good behavior, or other reasons.

Thus, discretion would remain, and inequality of treatment would remain with sentencing guidelines. Guidelines would only give a false air of statistical precision to human and personal decisions that are really impossible to quantify.



Appendix F

Intensive Supervision

Probation and Parole Officer I                      Range 20 (Non-standard)

\$24,275    Personal Services  
  X 12      Officers

\$291,300    TOTAL FOR 12 PROBATION AND PAROLE OFFICER I's

Clerk Typist II    Range 8

\$15,095    Personal Services  
     X 5         Clerk Typist II's

\$75,475    TOTAL FOR 5 CLERK TYPIST II's

Probation and Parole Supervisor                      Range 26 (Non-standard)

\$31,038    Personal Services

\$31,038    TOTAL FOR ONE SUPERVISOR

CAPITAL    \$34,289  
ALL OTHER    89,177

GRAND TOTAL FOR INTENSIVE SUPERVISION

\$291,300    Personal Services  
75,475    Personal Services  
31,038    Personal Services  
34,289    Personal Services  
89,177    All Other

\$521,279    TOTAL

Appendix G

Paid Work for Inmates

Department Inmate Work Program

	DELETE	
Total 1300 Inmates 1986	<u>Work Release</u>	
	150	150
	<u>Receiving</u>	
	100	100
	<u>Unassigned &amp; Unclassified</u>	
	100	<u>100</u>
	TOTAL	350

1300  
-350  
950 considered full pay

237 inmates assigned to tasks @ \$1 day	237
475 inmates assigned to full time technical or vocational education @ \$2 day	475
238 inmates assigned to industry @ \$3 day (revenue generating)	<u>238</u>
TOTAL	950

237 @ \$1 per day, 260 days per year	61,620
475 @ \$2 per day, 260 days per year	247,000
238 @ \$3 per day, 260 days per year	<u>185,640</u>
950 TOTAL	494,260

Total request for D.O.C. Inmate Work Program    \$494,260    All Other

Appendix H

Medical Needs

The Commission recommends the expansion of medical clinics to include an infirmary at MCC, MSP, and M with appropriate medical staff on a 24-hour-a-day basis.

Maine Youth Center

<u>Physicians Extender</u> - Range 25	\$26,230 415 <u>368</u>	Personal Services All Other Capital
TOTAL FOR ONE PHYSICIAN'S EXTENDER	\$27,013	
<u>Medical Secretary</u> - Range 13	\$17,050 485 <u>901</u>	Personal Services All Other Capital
TOTAL FOR ONE MEDICAL SECRETARY	\$18,436	
<u>Nurse II</u> - Range 20	\$21,299 <u>X 3</u>	Personal Services
TOTAL FOR 3 NURSE IIs	\$63,897	
<u>Licensed Practical Nurse (LPN)</u> - Range 16	\$18,542 <u>X 5</u>	Personal Services
TOTAL FOR 5 LPNs	\$92,710	
GRAND TOTAL FOR MYC	\$202,056	

-more-

Maine Correctional Center

<u>Physicians Extender</u> - Range 25	\$26,230 415 <u>368</u>	Personal Services All Other Capital
TOTAL FOR ONE PHYSICIAN'S EXTENDER	\$27,013	
<u>Medical Secretary</u> - Range 13	\$17,050 485 <u>901</u>	Personal Services All Other Capital
TOTAL FOR ONE MEDICAL SECRETARY	\$18,436	
<u>Nurse II</u> - Range 20	\$21,299 X 3 <u></u>	Personal Services
TOTAL FOR 3 NURSE IIs	\$63,897	
<u>Licensed Practical Nurse (LPN)</u> - Range 16	\$18,542 X 3 <u></u>	Personal Services
TOTAL FOR 3 LPNs	\$55,626	
<u>Correctional Officer I</u> - Range 12	\$16,885 X 4 <u></u>	Personal Services
TOTAL FOR 4 CO I's	\$67,540	
<u>Medical Clinic - Five Bed</u>	\$ 9,580 <u>15,138</u>	Capital All Other
TOTAL FOR CLINIC	\$24,718	
GRAND TOTAL FOR MCC	\$257,230	

-more-

Maine State Prison

<u>Nurse III</u> - Range 22	\$23,010	Personal Services
TOTAL FOR ONE NURSE III	\$23,010	
<u>Medical Secretary</u> - Range 13	\$17,050	Personal Services
	485	All Other
	<u>901</u>	Capital
TOTAL FOR ONE MEDICAL SECRETARY	\$18,436	
<u>Nurse II</u> - Range 20	\$21,299	Personal Services
	<u>X 2</u>	
TOTAL FOR 2 NURSE IIs	\$42,598	
<u>Guard</u> - Range 12	\$19,085	Personal Services
	<u>380</u>	All Other
TOTAL FOR ONE GUARD	\$19,465	
	<u>X 3</u>	
TOTAL FOR THREE GUARDS(NEEDED)	\$58,395	
<u>Medical Clinic - Five Bed</u>	\$ 9,580	Capital
	<u>15,138</u>	All Other
TOTAL FOR CLINIC	\$24,718	
GRAND TOTAL FOR MSP	\$167,157	

GRAND TOTAL MEDICAL SERVICES

MAINE YOUTH CENTER	\$202,056
MAINE CORRECTIONAL CENTER	\$257,230
MAINE STATE PRISON	<u>\$167,157</u>
	\$626,443