

# MAINE STATE LEGISLATURE

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CORRECTIONS

Maine

**IN THE PUBLIC INTEREST**



Digest of Findings

**GOVERNOR'S TASK FORCE  
ON CORRECTIONS**

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AUGUSTA, MAINE

F O R E W O R D

In 1973 Governor Kenneth M. Curtis, by Executive Order, established the Governor's Task Force on Corrections to review the State's system of corrections: to evaluate the facilities and procedures relating to the treatment and rehabilitation of criminal offenders, juvenile and adult, and to recommend specific changes for improvement.

September 1, 1974, the Task Force transmitted a report entitled In The Public Interest consisting of its findings and 100 recommendations requiring both legislative and administrative action.

The report was well received both by citizens and penologists, some hailing it as a prospective model for use in other states. Widespread editorial comment has been largely favorable as well. The Bureau of Corrections has initiated implementation of many of the administrative recommendations not requiring legislative authority.

To more effectively disseminate the recommendations of the lengthy report, this digest has been prepared.

"Digest of Findings" was prepared by Helaine C. Hornby under the direction of the Chairman of the Governor's Task Force on Corrections and funded by the Maine Law Enforcement Planning and Assistance Agency

## BASIC FINDINGS

- ▶ IN FISCAL YEAR 1973-74 MAINE TAXPAYERS SPENT NEARLY \$8 MILLION TO RUN ITS 5 CORRECTIONAL INSTITUTIONS.
- ▶ WITH 741 PEOPLE INCARCERATED, AN AVERAGE OF MORE THAN \$10,500 IS SPENT ON EACH PRISONER PER YEAR.
- ▶ 95% OF MAINE'S FELONS CURRENTLY INCARCERATED WILL BE BACK ON THE STREETS WITHIN 5 YEARS.
- ▶ AN ESTIMATED 65 TO 80% WILL RETURN TO PRISON FOR ADDITIONAL OFFENSES.
- ▶ 75% OF THOSE CURRENTLY CONFINED ARE SERVING TIME FOR NON-VIOLENT OFFENSES AND POSSESS NO HISTORY OF VIOLENCE.

## BASIC CONCLUSIONS

IT IS IN THE PUBLIC INTEREST TO

▶ DIVERT FROM THE CORRECTIONAL SYSTEM ALL PERSONS WHOSE PROBLEMS CAN BE HANDLED MORE EFFECTIVELY AT LESS COST BY ALTERNATIVE METHODS

▶ PROVIDE PERSONS FOR WHOM PUBLIC SAFETY DEMANDS CONFINEMENT A CONSTRUCTIVE EXPERIENCE WHICH WILL ENHANCE CHANCE FOR SUCCESSFUL RE-ENTRY INTO THE COMMUNITY

TO ACHIEVE THESE ENDS

▶ DIVERT INDIVIDUALS FROM CRIMINAL JUSTICE SYSTEM AT "EARLY WARNING" STAGES THROUGH PREVENTIVE PROGRAMS

▶ PROVIDE WIDER RANGE OF PRE-TRIAL AND POST-CORRECTION DISPOSITION AND SENTENCING ALTERNATIVES CONSISTENT WITH PUBLIC SAFETY THAT YIELD CONSTRUCTIVE BENEFITS TO THE COMMUNITY, VICTIMS OF CRIME, TAXPAYER AND OFFENDER

▶ PHASE OUT LARGE CONGREGATE INSTITUTIONS IN FAVOR OF COMMUNITY-BASED FACILITIES

▶ ASSURE THAT REMAINING INSTITUTIONAL PROGRAMS PRESERVE HUMAN DIGNITY AND REINFORCE, NOT DESTROY, SOCIAL, CIVIC AND OCCUPATIONAL SKILLS NEEDED TO COPE OUTSIDE THE PRISON

▶ DISCOURAGE OFFENDER'S RETURN TO PRISON THROUGH POST-RELEASE SERVICES, VOLUNTARY SELF-HELP PROGRAMS AND GREATER COMMUNITY INVOLVEMENT IN THE EX-OFFENDER'S REINTEGRATION PROGRAM

# **INTERVENTION POINTS IN CRIMINAL JUSTICE PROCESS**

## **► PREVENTION**

Youth Programs

Alternative Sentencing

## **► INSTITUTIONAL REFORM**

In Jails

In Prison

Community Corrections

## **► POST RELEASE**


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## **► ADMINISTRATIVE, LEGISLATIVE**

# PREVENTION

## Youth

Principle: Divert through early intervention

- Public Schools
- Youth Service Bureau
- Court Screening
- Group Homes
- Juvenile Court—last resort 

 Legislation filed pertaining to item

# PREVENTION - 2

## Sentencing

Principle: Most effective, least costly alternative consistent with public safety

- Restitution (L)
- Authority to transfer inmates (L)
- Pre-Sentence reports
- Contract parole (L)
- Probation reform



# INSTITUTIONAL REFORM

In Jail

Principle : Upgrade, use as community contact point

- Social Services to pre-trial detainees
- Furloughs ●
- Remedy sub-standard conditions ●
- 4-Year Sheriff ●

# INSTITUTIONAL REFORM - 2

In Prison

Principal: Rehabilitation

- Protection of human rights ● L
- Public access to public institutions ● L
- Wages for work ● L
- Improved vocational training ● L
- Improved educational programs ● L
- Training in democratic responsibilities

# INSTITUTIONAL REFORM - 3

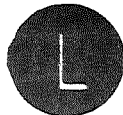

## Community Corrections

### Principle: Reintegration

- Training in social, occupational skills
- Expanded work release ●
- Expanded education release ●
- Expanded pre-release centers
- Expanded halfway house program



# POST RELEASE

Principle: Community involvement

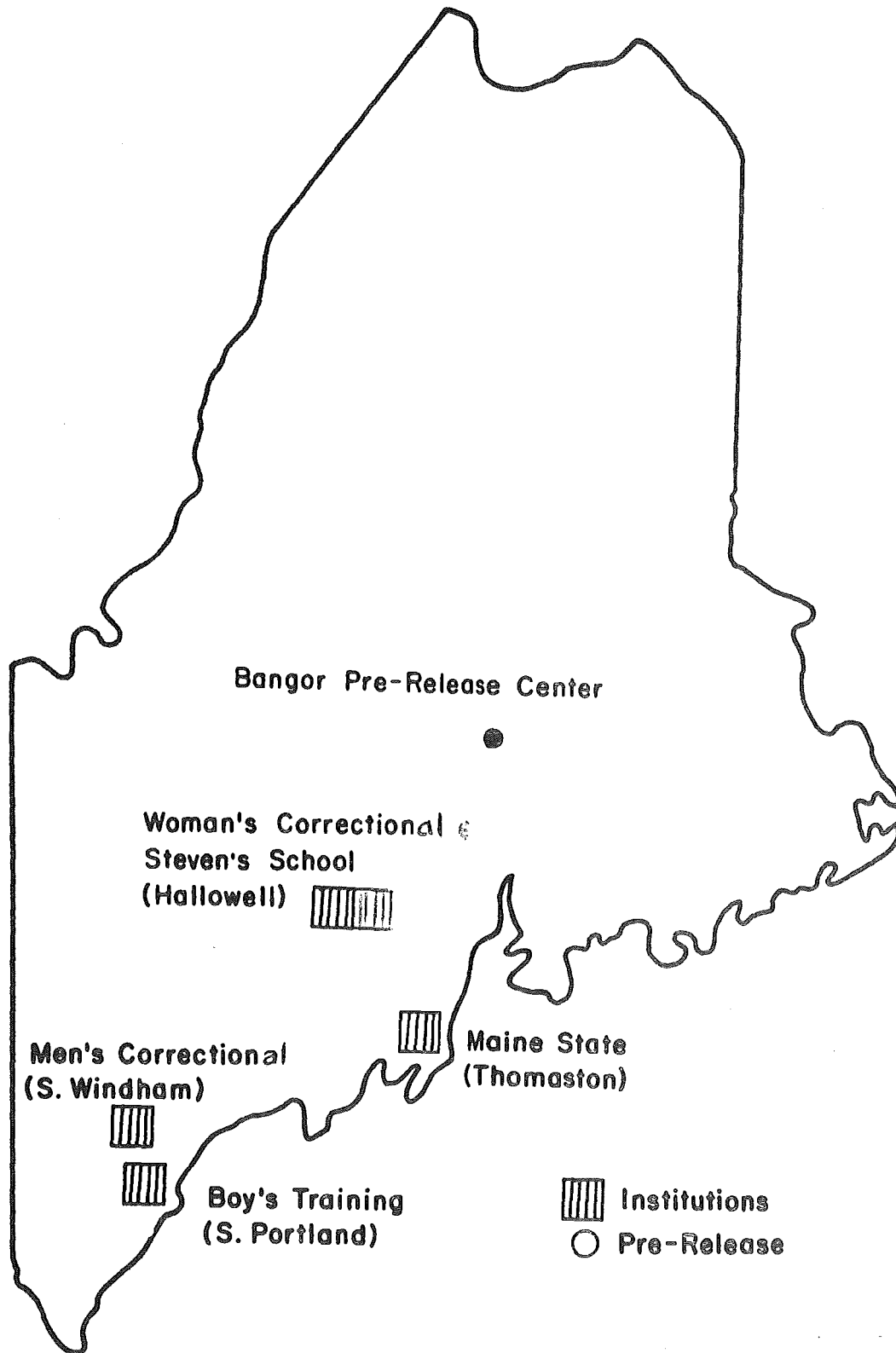
- Restore full rights to ex-offender 
- Expanded Halfway House Program 
- Mobilize Volunteers
- Parole Reform
- Purchase Community Services

# ADMINISTRATIVE

Principle: Provide legislative mandate and management tools to implement corrections plan

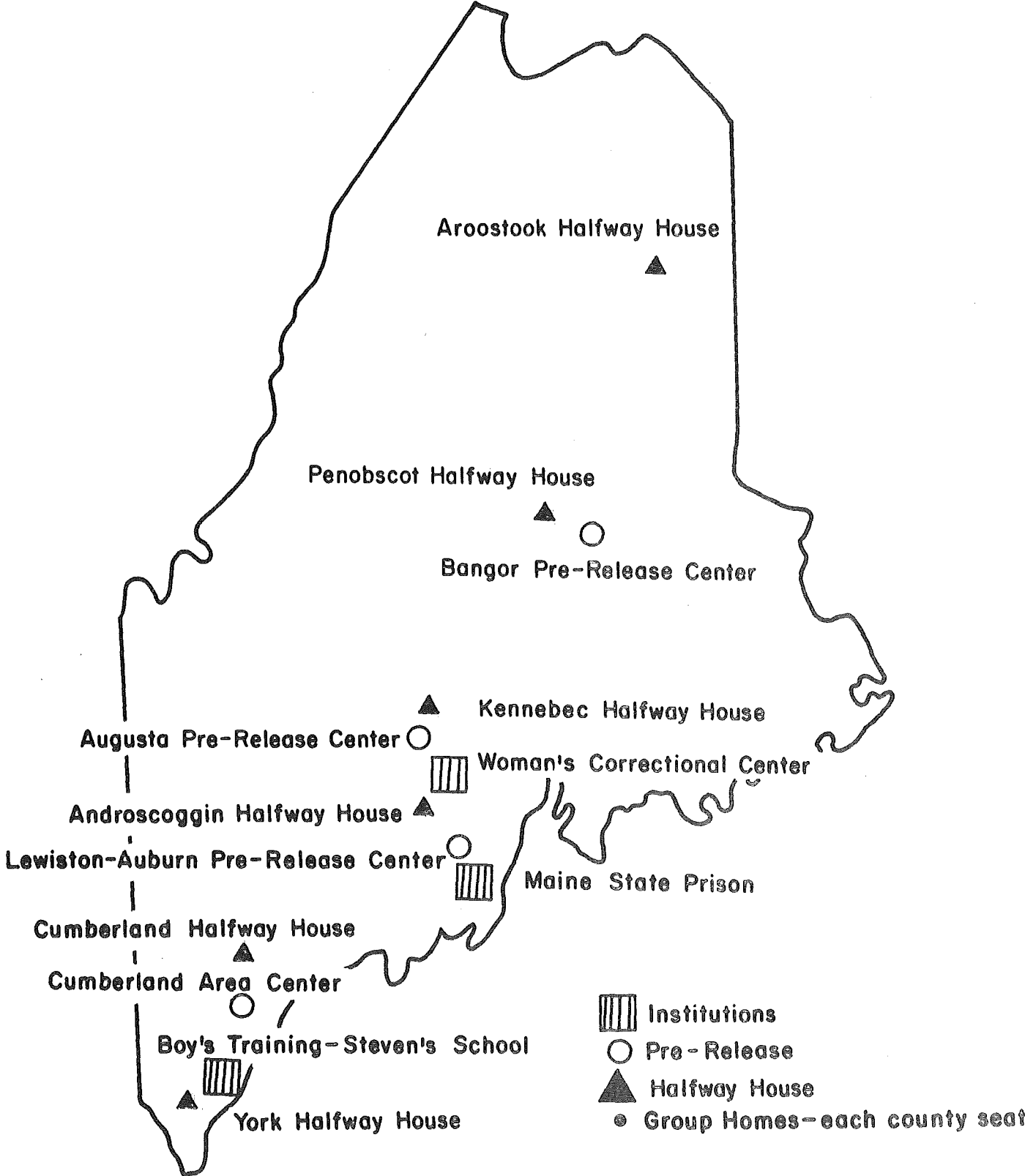
- Develop comprehensive planning capability 
- Implement improved information system 
- Plan staff and funding reallocation
- Implement program evaluation process
- Make bureaucracy more responsive to Legislature, Governor

# PRESENT CORRECTIONS SYSTEM INSTITUTIONS CENTRALIZED

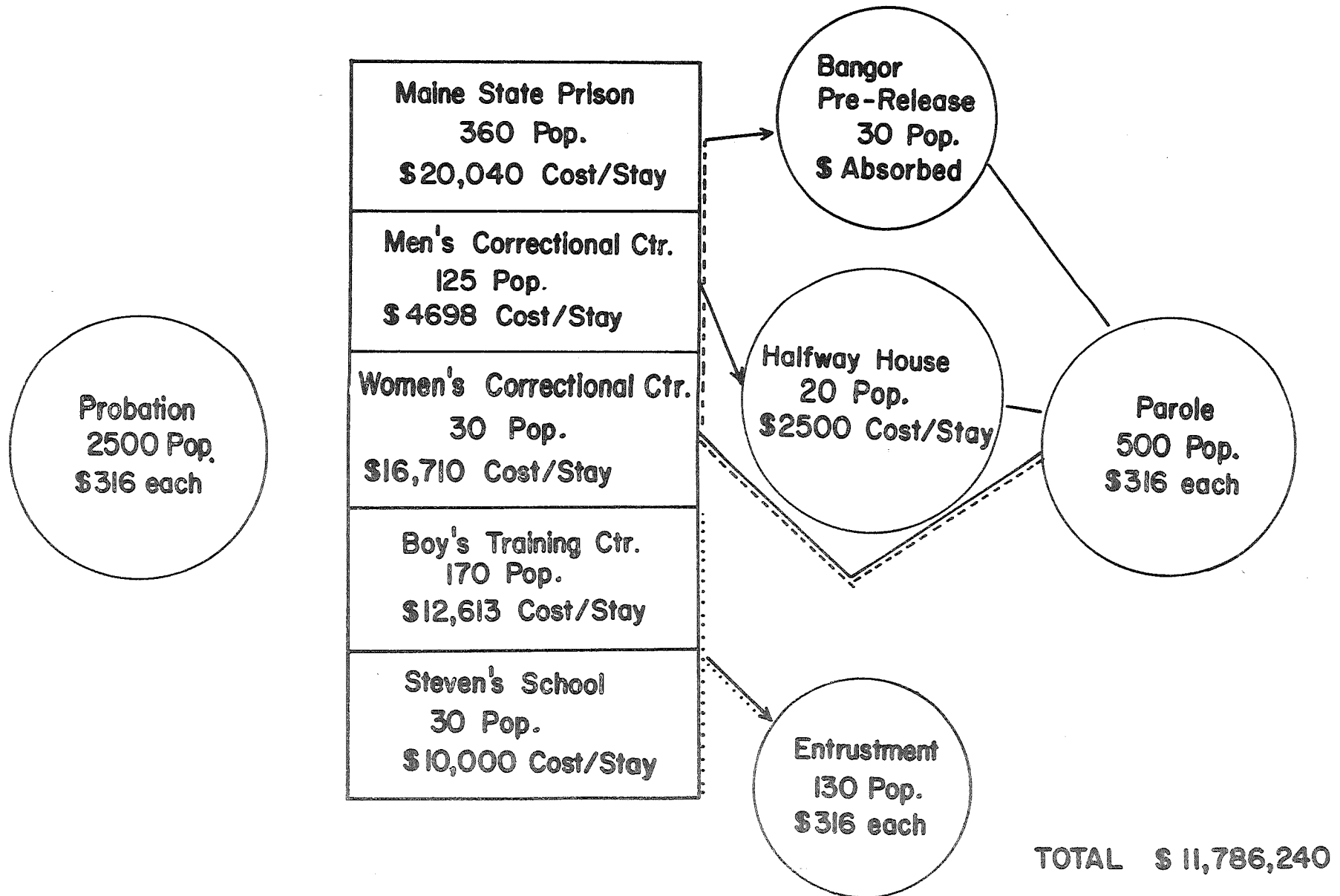


# PROPOSED CORRECTIONS SYSTEM

## INSTITUTIONS DECENTRALIZED

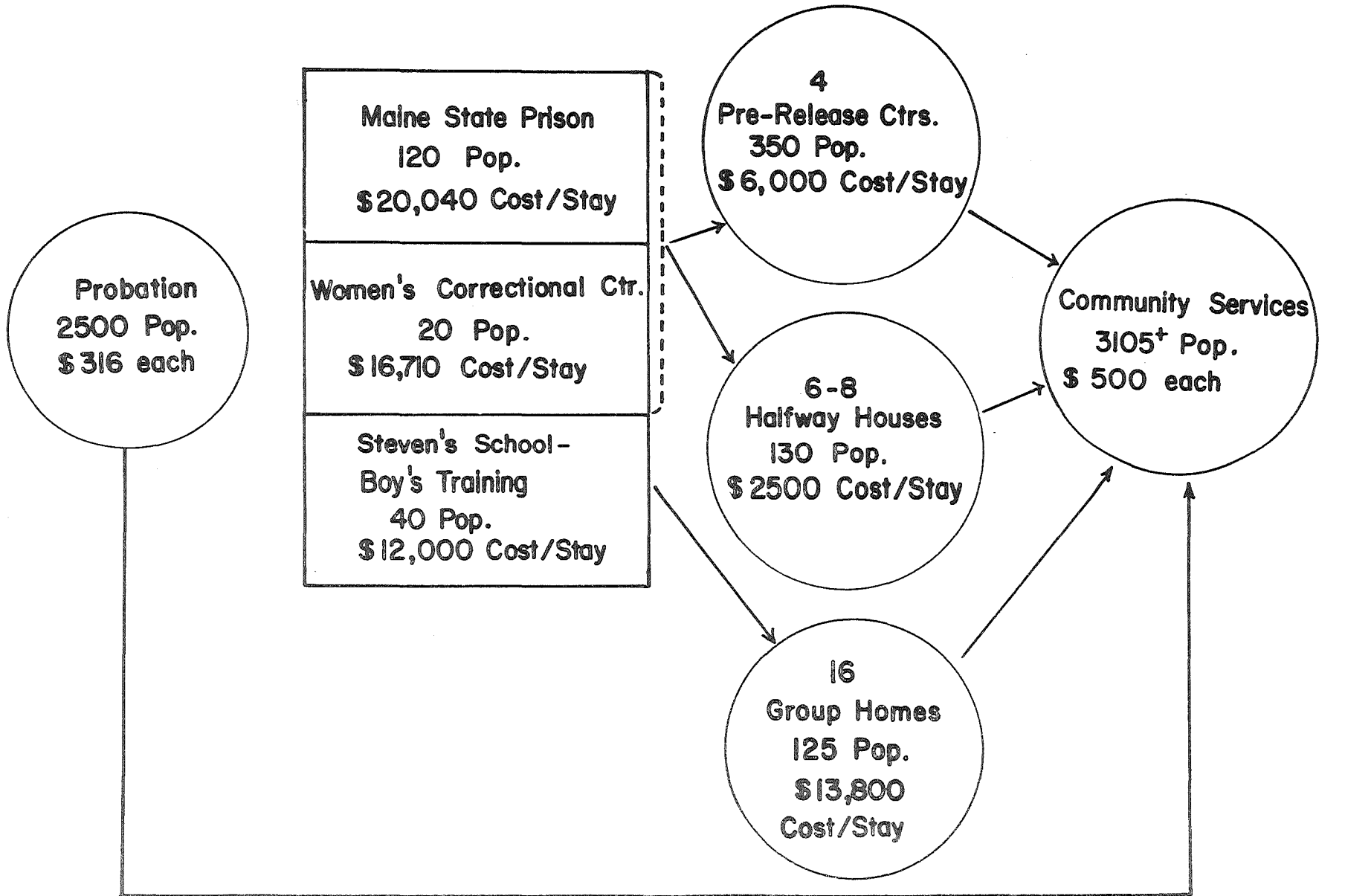


# OFFENDER DISTRIBUTION AND COSTS PRESENT CORRECTIONAL SYSTEM



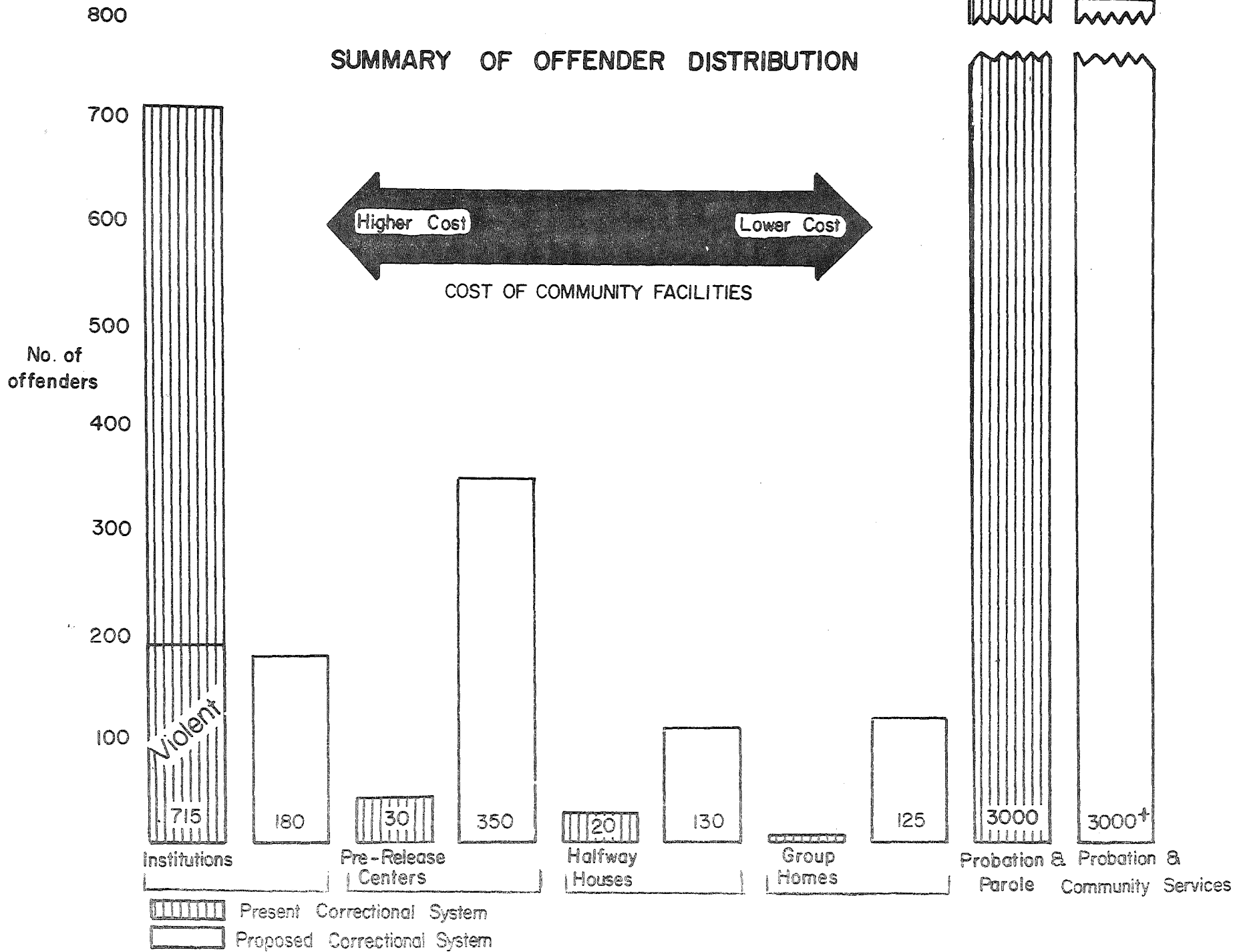


# OFFENDER DISTRIBUTION AND COSTS PROPOSED CORRECTIONAL SYSTEM

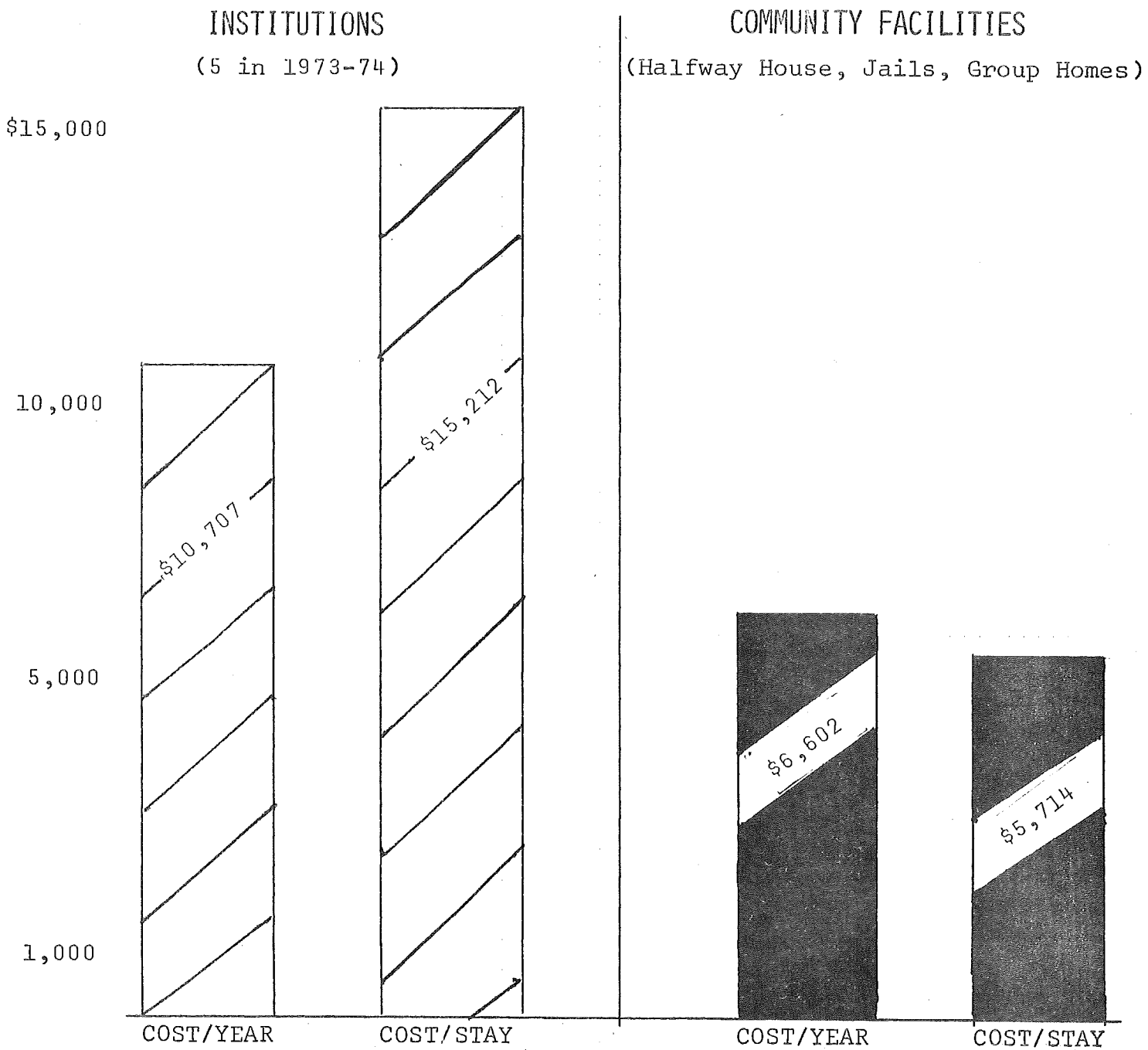


TOTAL \$ 9,711,500

# SUMMARY OF OFFENDER DISTRIBUTION



COST COMPARISONS  
PER INMATE



1973-74

h.c.

SUMMARY OF  
100 RECOMMENDATIONS

NOS.

1-2	I. OVERALL PRIORITIES
	II. PREVENTION
3-16	YOUTH
17-29	SENTENCING
30-31	RESTITUTION
	III. INSTITUTIONAL REFORM
32-39	JAILS
40-47	TRAINING PROGRAMS
48-52	COMMUNITY CORRECTIONS
53-54	EMPLOYEE PROFESSIONALISM
55-69	LIVING CONDITIONS
70	PRE-RELEASE CENTERS
	IV. POST-RELEASE
71-77	EMPLOYMENT, HOUSING
78-83	HALFWAY HOUSES
84-85	VOLUNTEER PROGRAMS
86-92	PAROLE
93-100	V. ADMINISTRATIVE

# OVERALL PRIORITIES

## I. OVERALL PRIORITIES

NO.		COST		Reallo- cation
		State	Fed	
1	IMPLEMENT BATTEN, BATTEN, HUDSON AND SWAB report concerning establishment of community-based corrections system (A)*			
2	BRING MAINE'S SYSTEM UP TO STANDARDS set by the Report on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals (A)			

\* (A) = Administrative

PREVENTION -- YOUTH

II. PREVENTION

NO.	YOUTH	COST		Reallo- cation
		State	Fed	
3	Establish "Youth Services Bureau" to coordinate juvenile diversionary programs (L)*	\$30,000		
4	Reevaluate policy of establishing delinquency prevention and diversionary programs within law enforcement agencies (A)			
5	Establish delinquency prevention programs within school administrative districts (A)			✓
6	Eliminate criminal court jurisdiction over offenses not considered criminal when committed by an adult (L)			
7	Establish court-administered "screening agency" to divert all possible juvenile clients from corrections system (L,A)	Future Costs		✓
8	Guarantee legal counsel to juveniles; should conflict of interest arise between parent and juvenile, counsel represents juvenile (L)			✓
9	Discontinue using correctional institutions for long-term diagnostic evaluation of juveniles prior to court adjudication (A)			✓
10	Develop plan to merge 2 juvenile institutions and eventually replace with statewide system of group homes (L,A)			✓
11	Create system of financial incentives to communities for establishing regional prevention programs and reducing number sent to juvenile institutions (L)			✓

\* (L) = Legislative

PREVENTION -- YOUTH  
 -- SENTENCING

NO.		COST		Reallo- cation
		State	Fed	
12	Create "Maine Group Home Advisory Board" to plan private group home residential services for youths (L)	\$2,000		✓
13	Limit Training School commitment to one year (L)			
14	Enroll more juveniles at institutions in local public or private schools (L)			
15	Expand family leave program at juvenile institutions (A)			
16	Establish stricter controls on use of juvenile police, court and correctional records (L)			
17	Expand aftercare program at Boy's Training Center and extend to Steven's School clients (L,A)			✓
<u>SENTENCING</u>				
18	Require sentencing judges to consider all alternatives to total incarceration and justify the rejection of less drastic alternatives (L)			✓
19	Sentence adults to Bureau of Corrections rather than specific institution. Establish "category sentencing" under Maine criminal code (L)			✓
20	Establish optional indeterminate sentence for adults under present criminal code until it can be revised (L)			✓
21	Expand use of 60-day "shock sentences" for first offenders in non-violent offenses (A)			✓
22	Establish biennial sentencing institutes for judges, prosecutors and corrections personnel (L)	\$2,000		

PREVENTION -- SENTENCING  
 -- RESTITUTION

NO.		COST		Reallo- cation
		State	Fed	
23	Require pre-sentence reports in state court for minors, felons and all cases which could result in incarceration (L,A)			√
24	Establish guidelines for content of pre-sentence reports (A)			√
25	State Courts hold separate sentence hearings to consider sentencing alternatives and pre-sentence reports similar to federal system (A)			√
26	Maine Bar and others create guidelines to assure adequacy of assigned counsel (A)			
27	Create authority allowing courts to transfer interim disposition of juvenile and minor adult offenses to "community arbitration councils" in lieu of judicial processing (L)			√
28	Eliminate mechanical probation conditions, reduce supervisory character and reorient to coordinate provision of local social services (A)			√
29	Expand use of volunteers in counseling probationers (A)			√
	<u>RESTITUTION</u>			
30	Establish judicially-administered system whereby offenders compensate victims of crime as alternative or adjunct to incarceration (L,A)			√
31	Expand use of requiring public services of offenders in lieu of incarceration			√



INSTITUTIONAL REFORM -- JAILS

III. INSTITUTIONAL REFORM

NO.	JAILS	COST		Reallo- cation
		State	Fed	
32	Establish pilot pre-trial diversionary program using "jail intake officers" tied to an existing county jail (L,A)		\$90,000	
33	Reorganize county jail correctional responsibilities giving the state authority over staffing standards and conditions of jails and community over rehabilitative programs. Use jails eventually only to provide social services to pre-trial detainees (L)			✓
34	Establish four-year term for county sheriffs (L)			
35	Authorize "furloughs" for county jail inmates (L)			
36	Compile, publish and update pamphlet of legal rights of pre-trial detainees for use of same (A)			✓
37	Update county jail standards to levels recommended by National Advisory Commission on Criminal Justice Standards and Goals (A)			
38	Extend regulatory responsibilities of Bureau of Corrections concerning county jails to municipal lock-ups (L)			
39	Provide social services and job assistance to jail inmates and families (L)	Eventual Increase		✓

INSTITUTIONAL REFORM -- TRAINING PROGRAMS  
 -- COMMUNITY CORRECTIONS

NO.		COST		Reallo- cation
		State	Fed	
	<u>TRAINING PROGRAMS</u>			
40	Establish wage payment plan at Maine State Prison for those in prison industries program (L,A)		\$250,000 One Time	✓
41	Create Industry Advisory Board to help tailor prison job training programs to needs of Maine's industries (L)	\$2,000		✓
42	Extend minimum wage statute to inmates performing work of economic value to state (L)	\$100,000		✓
43	Eliminate \$3,000 ceiling on earnings from Prison Store (A)			
44	Allow inmates to join craft labor unions (A)			
45	Develop reading skills and basic literacy programs for inmates using community volunteers where possible (A)			✓
46	Establish nongeographic school district within correctional system allowing receipt of federal education aid (L)	\$2,000		\$55,000 Savings
47	Establish job placement office at each institution for use by departing inmates (A)			✓
	<u>COMMUNITY CORRECTIONS</u>			
48	Eliminate restrictions on time remaining to be served before inmate placement in work or education release programs (A)			
49	Expand education release and reallocate funds to assist inmates to attend college (L)			✓
50	Phase out use of county jails for persons in education or work release and replace with halfway houses (A)			✓
51	Reallocate state resources to purchase community services for inmates (A)			✓

INSTITUTIONAL REFORM -- COMMUNITY CORRECTIONS  
 -- EMPLOYEE PROFESSIONALISM  
 -- LIVING CONDITIONS

NO.		COST		Reallo- cation
		State	Fed	
52	Initiate a pilot project attaching purchase-of-service correctional programs to existing community mental health clinics and social service programs (A)		\$250,000 Pilot Basis	✓
<u>EMPLOYEE PROFESSIONALISM</u>				
53	Implement minimum occupational qualifications for corrections workers (L)			✓
54	Reduce 44-hour work week of institutional employees to 40-hour work week (L,A)	\$417,000		✓
<u>LIVING CONDITIONS</u>				
55	Give academic credit to University of Maine Law School students for providing civil legal services to inmates (A)			✓
56	Create "Correctional Advisory Commission" to replace Board of Visitors for citizen input (L)	\$2,000		✓
57	Encourage public and media access to institutions and greater public involvement with correctional programs (A)			
58	Extend to other institutions the Maine State Prison policy limiting circumstances under which mail can be censored (A)			
59	Establish Transportation Assistance Program to assist inmate visitation (A)	\$10,000		✓
60	Transfer inmate advocate program to Maine Human Rights Commission (L)			✓
61	Establish safeguards against disenfranchisement of offenders and allow adult inmates the opportunity to vote (L)			

INSTITUTIONAL REFORM -- LIVING CONDITIONS  
 -- PRE-RELEASE

NO.		COST		Reallo- cation
		State	Fed	
62	Upgrade Men's Correctional Center (academic programs, counseling, living conditions) through short-term allocation (L,A)	\$100,000 One Time		✓
63	Begin planning "area center" concept within existing facilities (A)			
64	Enact "Inmate Bill of Rights" (L)			
65	Expand institutional furlough program (A)			
66	Extend private institutional visitation to inmates who cannot receive furlough rights (A)			✓
67	Eliminate military-styled uniforms for guards; replace with blazers where uniform dress is needed (A)			✓
68	Eliminate housing on institutional grounds for employees (A)			✓
69	Enact correctional policy as guidance to administrators enforcing the principle that correctional placement of convicts shall represent the "least drastic alternative available consistent with the public safety" (L)			
	<u>PRE-RELEASE</u>			
70	Establish pre-release centers in Bangor, Augusta, Lewiston-Auburn and Portland (A)			✓

POST-RELEASE -- EMPLOYMENT, HOUSING  
 -- HALFWAY HOUSES

IV. POST-RELEASE

NO.		COST		Reallo- cation
		State	Fed	
	<u>EMPLOYMENT, HOUSING</u>			
71	Prohibit prior criminal record as bar to obtaining occupational license (L)			
72	Prohibit request of information concerning prior arrest or conviction on private employment applications (L)			
73	Prohibit request of information concerning prior arrest or conviction on public employment applications (A)			
74	Extend jurisdiction of Maine Human Rights Commission to ex-offenders' complaints regarding employment, housing, public accommodations and other discrimination (L)			✓
75	Examine justifiability of summarily placing ex-offender in "high-risk" auto insurance categories (L,A)			
76	Expand Corrections' public relations activities towards linking offenders to educational and occupational opportunities in the community (A)			✓
77	Hire more qualified ex-offenders in Corrections system (A)			✓
	<u>HALFWAY HOUSES</u>			
78	Expand effort to create community controlled halfway house system (A)			✓
79	Establish 6 halfway houses in Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot and York (A)			✓

POST-RELEASE -- HALFWAY HOUSES  
 -- VOLUNTEER PROGRAMS  
 -- PAROLE

NO.		COST		Reallo- cation
		State	Fed	
80	Establish guidelines for local control of halfway houses delineating responsibilities of Bureau of Corrections (A)			
81	Fund halfway houses initially with government sources and plan transfer of funding to local government and charitable organizations (L,A)			√
82	Establish principle that placement of halfway house residents be cooperatively determined by halfway house management and appropriate corrections agency (A)			
83	Use halfway houses as multi-purpose facilities for all kinds of correctional clients (L)			√
<u>VOLUNTEER PROGRAMS</u>				
84	Create community-based volunteer agency to coordinate public participation in correctional programs (L)			√
85	Establish goals by Correctional staff for greater use of volunteer services (A)			
<u>PAROLE</u>				
86	Permit legal counsel at all Parole Board appearances (L,A)			
87	Mandate annual parole status review for all inmates; allow inmate access to all material used by Parole Board in the case (A)			
88	Eliminate conditions of parole except regular communication with parole officer and geographic restrictions (A)			√

POST-RELEASE -- PAROLE

NO.		COST		Reallo- cation
		State	Fed	
89	Restrict probation and parole employees from issuing warrants for parole revocation or arrest; disallow parole officers to carry firearms (L,A)			✓
90	Establish reasonable and fixed time limits on detention of parolees (L,A)			
91	Reorganize Division of Probation and Parole of the Bureau of Corrections into "Division of Probation" and "Division of Community Services" (L,A)			✓
92	Expand inservice training for correctional employees serving non-institutional clients. Provide incentives for academic advancement (L,A)			✓

ADMINISTRATIVE

V. ADMINISTRATIVE

NO.		COST		Reallo- cation
		State	Fed	
93	Establish more effective planning capability within the Bureau of Corrections (A)			✓
94	Overhaul, standardize and computerize statistics and record-keeping services within Bureau of Corrections (L,A)			✓
95	Initiate fiscal planning to implement transition to community-based corrections system (L,A)			✓
96	Establish centralized manpower development and training program for employees (A)			✓
97	Remove Director of Bureau of Corrections from state civil service; create two-year probation period for chief administrators of facilities (L)			
98	Recodify corrections portions of Title 34 of Maine Revised Statutes to eliminate ambiguities and establish clear lines of authority within the Department of Mental Health and Corrections (L,A)			
99	Guarantee periodic review by professional management consultants of Bureau of Corrections and the effectiveness of its programs (A)	\$12,500		✓
100	Assure evaluation by state personnel of Corrections programs' effectiveness; periodically terminate ineffective policies and programs in favor of more innovative approaches which have proven successful elsewhere (A)			✓
TOTALS		\$679,500	\$590,000	



## SUMMARY OF LEGISLATIVE PACKAGE

### CORRECTIONAL POLICY

- ▶ Create Correctional Policy for Maine

### JUVENILE NEEDS

- ▶ Extend Aftercare Services to All Entrusted Juveniles
- ▶ Restrict District Court Jurisdiction Over Juveniles
- ▶ Establish Maximum Terms for Training Centers
- ▶ Reform District Court Procedure Concerning Juveniles

### SENTENCING REFORM AND RESTITUTION

- ▶ Require Pre-Sentence Reports in Criminal Prosecution
- ▶ Establish Biennial Sentencing Institutes for Court Personnel
- ▶ Establish Uniform Sentencing Standards and Alternatives
- ▶ Allow Public Compensation to Victims of Crime

### COUNTY AND MUNICIPAL JAIL REFORM

- ▶ Institute Regular Inspections of Jails, Lock-Ups and Holding Facilities
- ▶ Permit Furloughs to Jail Inmates
- ▶ Change Sheriff Tenure to Four Years

## ADULT REHABILITATION

- ▶ Allow Transfer of Offenders Among Facilities
- ▶ Apply Uniform Standards to Use of Criminal Record in Obtaining Occupational Licenses
- ▶ Allow Purchase of Academic and Vocational Training
- ▶ Create School Administrative Unit Within Bureau of Corrections
- ▶ Apply Federal Fair Labor Standards Act to Inmates
- ▶ Allow Contract Parole

## HUMAN RIGHTS PROTECTION

- ▶ Extend Human Rights Commission Jurisdiction to Ex-Offender Grievances
- ▶ Create an Inmate Bill of Rights
- ▶ Transfer Resident Advocate Program to Human Rights Commission
- ▶ Allow Absentee Voter Status for Inmates

## CITIZEN INVOLVEMENT

- ▶ Create Consolidated Correctional Advisory Commission
- ▶ Create Corrections-Industry Advisory Board

## ADMINISTRATIVE

- ▶ Remove Bureau of Corrections Director From Personnel Law
- ▶ Establish "Offender Statistics" Office
- ▶ Amend Use of Employee Uniforms
- ▶ Allow Greater Flexibility in Budget Reallocation
- ▶ Implement Career Ladders for Employees
- ▶ Implement 40-Hour Work Week With No Pay Loss
- ▶ Improve Conditions at Men's Correctional Center