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AUGUSTA, MAINE

REPORT OF THE TASK FORCE ON CORRECTIONS

SUBMITTED TO COMMISSIONER DAVID SMITH

September 30, 1976

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Chairman: Alan M. Elkins, M.D., Portland

Members: Garrell Mullaney, Thomaston  
Harold White, Brewer  
Francis Woodhead, Bangor

SEP 76

The Task Force on Corrections was appointed by Governor James B. Longley on August 1st with the primary task of examining the utilization of present correctional facilities, particularly in light of the State's new criminal code. The members of the Task Force recognize that the effect of the new criminal code on corrections facilities is obviously a long-term consideration and additional input will be made over the next months. It was felt, however, that an analysis of the problems and data could lead to some suggestions for steps that might be taken in the immediate future.

The members of the Task Force are unanimous in their concern for the clients of the Bureau of Corrections and the relationship to the Bureau of Mental Health within the Department. The State of Maine is rich in its resources of services of many kinds and the Task Force would like to see these services deployed to the criminal population, which is obviously a very high risk group.

The Task Force that met on several occasions experienced a lively exchange of ideas. The Chairman assigned each of the four topics to individual Task Force members. The subjects discussed in the report are:

- (1) Adequacy of the current facilities to house offenders.
- (2) Alternate methods of institutionalization of offenders, if appropriate.
- (3) Appropriate staff to offender population ratios for each correctional facility.
- (4) Adequacy of rehabilitation and treatment programs for offenders.

The report is divided into two sections:

- (1) Problem analysis and recommendations.
- (2) Proposed legislation.

The assumption has been made that as a result of the newly enacted criminal code, the rising crime rate, and a concurrent rise in the number of persons convicted, there will be an increase in the number of persons sentenced to the present alternatives. This Task Force does not see the need for capital construction but

rather proposes redeployment of services and viable alternatives.

The Task Force appreciates being asked to submit this report and does so in the spirit of providing the best possible options for the citizens of Maine.

SECTION I

PROBLEM ANALYSIS AND RECOMMENDATIONS

Charge: Adequacy of the current facilities to house offenders.

### Background

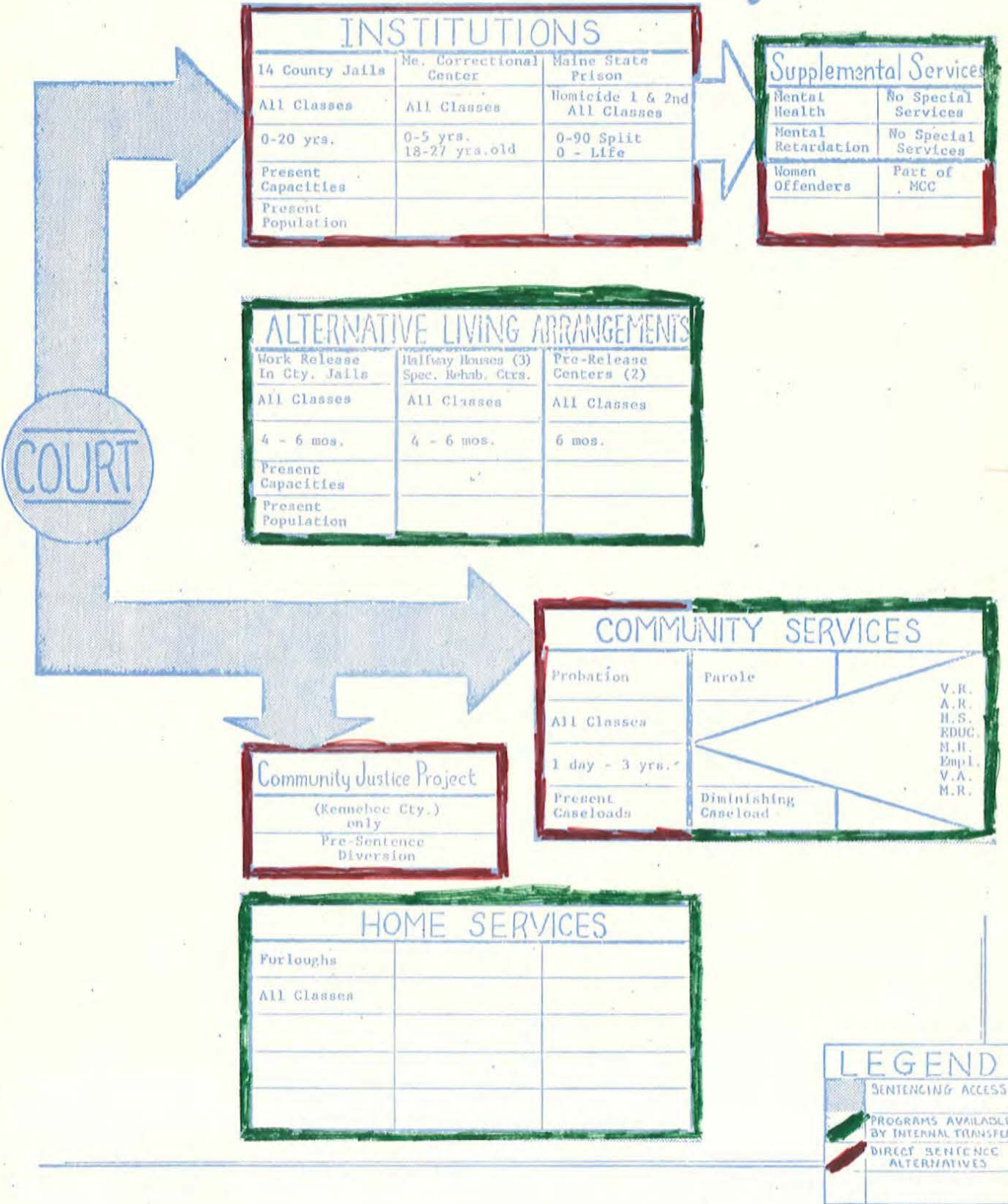
We have reviewed the adequacy of the current facilities to house offenders in terms of the purposes for sentencing (17-A MRSA 1151) in the new code. There, the legislative branch has provided notice to the judiciary in that the basis for sentencing is to be the consideration of eight purposes. The executive branch then becomes responsible for the creation, maintenance and operations of programs and facilities which allow for the proper disposition of sentences according to these purposes.

Chart I depicts the alternatives presently available for sentencing. Basically, a judge can choose between traditional programs of institutionalization and probation: these limited alternatives do not meet the requirements of the sentencing purposes in the new code.

Chart II depicts a system of alternatives that meets the eight purposes for sentencing.

Chart III depicts a classification model for probation services.

# Present Adult System



COURT

INSTITUTIONS		
14 County Jails	Me. Correctional Center	Maine State Prison
All Classes	All Classes	Homicide 1 & 2nd All Classes
0-20 yrs.	0-5 yrs. 18-27 yrs. old	0-90 Split 0 - Life
Present Capacities		
Present Population		

Supplemental Services	
Mental Health	No Special Services
Mental Retardation	No Special Services
Women Offenders	Part of MCC

ALTERNATIVE LIVING ARRANGEMENTS		
Work Release In Cty. Jails	Halfway Houses (3) Spec. Rehab. Ctrs.	Pre-Release Centers (2)
All Classes	All Classes	All Classes
4 - 6 mos.	4 - 6 mos.	6 mos.
Present Capacities		
Present Population		

COMMUNITY SERVICES		
Probation	Parole	V.R. A.R. H.S. EDUC. M.H. Empl. V.A. M.R.
All Classes		
1 day - 3 yrs.		
Present Caseloads	Diminishing Caseload	

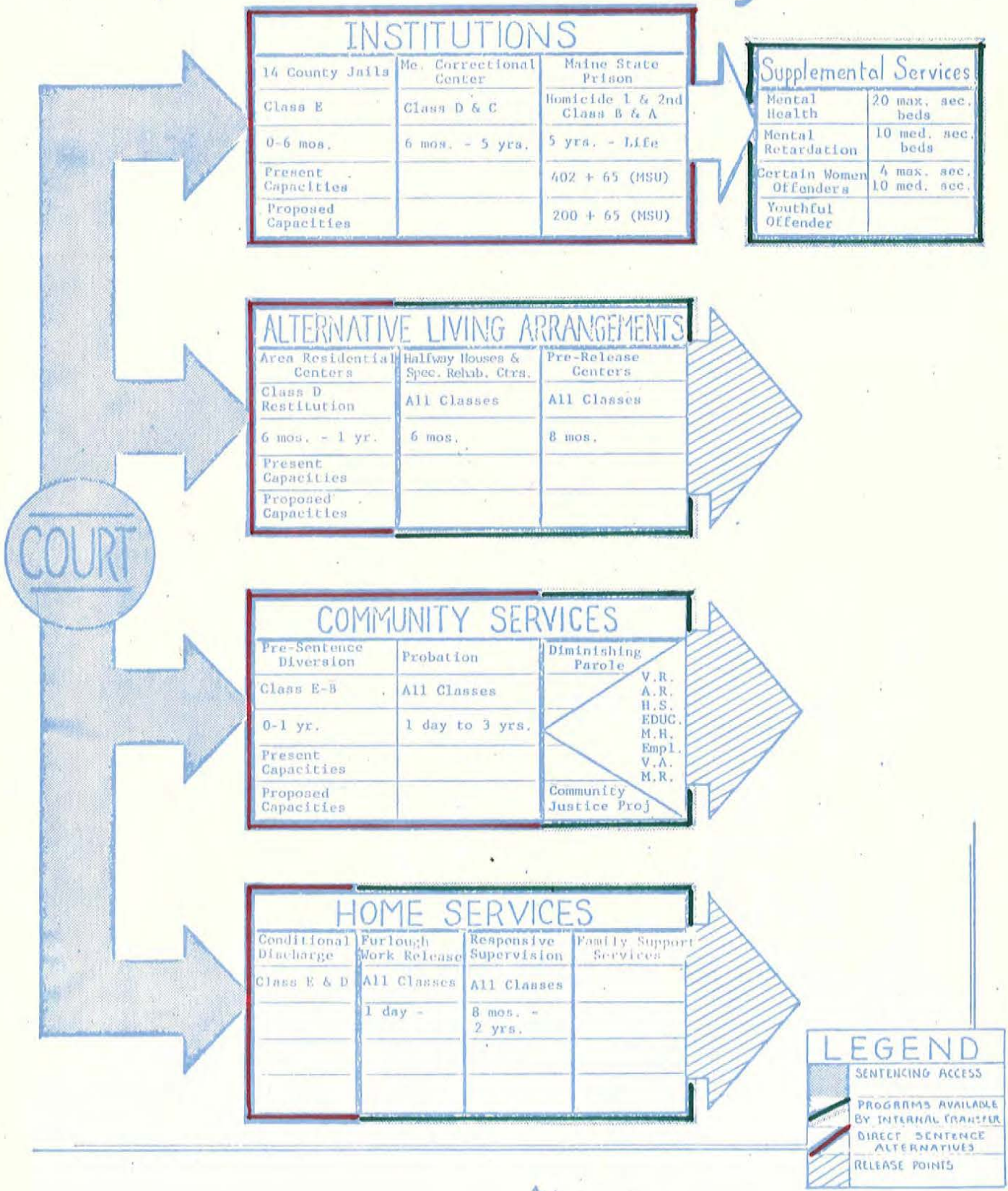
Community Justice Project
(Kennebec Cty.) only
Pre-Sentence Diversion

HOME SERVICES		
Furloughs		
All Classes		

LEGEND	
	SENTENCING ACCESS
	PROGRAMS AVAILABLE BY INTERNAL TRANSFER
	DIRECT SENTENCE ALTERNATIVES



# Proposed Adult System



INSTITUTIONS		
14 County Jails	Me. Correctional Center	Maine State Prison
Class E	Class D & C	Homicide 1 & 2nd Class B & A
0-6 mos.	6 mos. - 5 yrs.	5 yrs. - Life
Present Capacities		402 + 65 (MSU)
Proposed Capacities		200 + 65 (MSU)

Supplemental Services	
Mental Health	20 max. sec. beds
Mental Retardation	10 med. sec. beds
Certain Women Offenders	4 max. sec. 10 med. sec.
Youthful Offender	

ALTERNATIVE LIVING ARRANGEMENTS		
Area Residential Centers	Halfway Houses & Spec. Rehab. Ctrs.	Pre-Release Centers
Class D Restitution	All Classes	All Classes
6 mos. - 1 yr.	6 mos.	8 mos.
Present Capacities		
Proposed Capacities		

COMMUNITY SERVICES		
Pre-Sentence Diversion	Probation	Diminishing Parole
Class E-B	All Classes	V.R. A.R. H.S. EDUC. M.H. Empl. V.A. M.R.
0-1 yr.	1 day to 3 yrs.	Community Justice Proj
Present Capacities		
Proposed Capacities		

HOME SERVICES			
Conditional Discharge	Furlough Work Release	Responsive Supervision	Family Support Services
Class E & D	All Classes	All Classes	
	1 day -	8 mos. - 2 yrs.	

LEGEND	
	SENTENCING ACCESS
	PROGRAMS AVAILABLE BY INTERNAL TRANSFER
	DIRECT SENTENCE ALTERNATIVES
	RELEASE POINTS



Purpose 1 - To prevent crime through the deterrent effect of sentences, the rehabilitation of convicted persons, and the restraint of convicted persons when required in the interest of public safety.

#### Assumption

- That the present system does deter crime through the restraint of convicted persons. It is a fact that a significant percentage of inmates (the calculation of which is beyond the scope of this paper) released from institutions will be convicted of felony type offenses over a two year period. If institutions did not exist, it can be assumed that the post-release percentages would apply to the annual crime rate. Therefore, the incapacity of offenders does deter their participation in crime while incarcerated.
- That rehabilitation programs do not significantly reduce the rate of recidivism, but do offer offenders opportunities to improve themselves.
- That the deterrent effect of sentences on the general public is in the logical and equal disposition of cases.

#### Findings

The present system does not have the capacity, in either the juvenile and adult facilities, or probation manpower to allow for adequate restraint and programming. The Maine Youth Center has had to refuse detention cases for lack of supervised bed space, and, further, has had to send youths home before program completion to free up bed space. The DMHC had requested the Chief Justice to

ask sentencing judges to consider the overcrowded facilities when sentencing. Thereby adding an additional component to their decisions.

Overcrowded conditions have demanded the deployment of staff from programmatical functions to control-oriented tasks. Thereby reducing the motivational effects of staff/inmate contact. There is presently no classification system within probation and parole that proactively determines monitoring degrees. (This is now being addressed). Most rehabilitation programs are federally funded and their continuity over any period of time is impossible to calculate. There are no specialized programs for psychotic or behaviorally unmanageable inmates except for "bus trip" therapy.

#### Recommendations

The new Criminal Code, in its sentencing provisions has an underlying theme of justice - as - fairness which embodies principles of parsimony, dangerousness and just desert in its goal of developing a jurisprudence of sentencing. The executive branch has the responsibility of developing the comprehensive sentencing options that will maximize the social potential and minimize injuries to those who become involved with the criminal justice system. A proposal is attached as Chart II, incorporating direct sentencing options and transfer capabilities for an adult system.

Implementation of such a proposal would reduce direct commitment to the Maine State Prison and the Maine Correctional Center. It would allow for direct restitution, improved probation programming, and specialized services for those who are in need. Most importantly, it correlates the gravity of an offense with both length and place of confinement.

This plan does not suggest a major capital outlay but instead the creation of flexible programs based on personnel resources, and social services unrelated to the traditional monolithic institutions. Programs are to be flexible so that revision, as an outcome of evaluation, does not become a system change task. Services and facilities can be contracted in many instances in order to achieve increased performances levels through contract monitoring.

We have pointed out some of the needs of the juvenile system, but long range system change can await the outcome of the revision of the juvenile laws. However, the need for a security facility exists now and will be a continual problem.

Each of the responses to the remaining purposes of sentencing will highlight present inadequacies and future responsibilities related to each facility. Although, we recognize the lack of comprehensiveness of this report, our intent has been to provide you not only with an analysis of the present system but a general direction for compliance with the new code.

Purpose 2 - To encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can appropriately be served.

#### Assumption

Since a high percentage of those persons convicted of crime in the State of Maine have committed crimes wherein a particular dollar loss from a particular victim can be established, restitution poses a viable sanction.

#### Finding

Although restitution as a sanction existed as part of probation, it never became a fully developed alternative due to lack of a specific workplan for utilization. No program existed wherein the victim's loss was established in consort with the offenders willingness and ability to pay. This was due mainly to the lack of staff in the Division of Probation and Parole.

#### Recommendation

That the Executive Branch (DMHC) establish programs, both as part of probation and within alternate living arrangements to carry out this purpose. This option would mean a reduction in sentences to the more costly institutions, renumeration to the victim, and a deterrent directly in the public view.

Purpose 3 - To minimize correctional experiences which serve to promote further criminality.

Assumption

- That the persons convicted of crime traditionally identify with the criminal subculture rather than with the greater community.
- That this identification decreases through programs that limit association with other criminals and that promote the assumption of responsibilities to family, victim and community.
- That the antithesis of institutionalization, probation, is only effective in preventing further criminality when there exists a balance of supervision and services delivery based on assessed need. (Chart III)
- That the deployment ratio of staff to inmates in institutions provide for an atmosphere conducive to personal safety, the provision of human rights, and the accessibility to programs that are aligned with the overall objective of a particular institution.

Finding

With the limited number of sentencing options now available to the judiciary (Chart I) and with age limits established for the Maine Correctional Center, a wide range in the typology of offenders exists at the Maine State Prison and the Maine Youth Center.

The lack of security facilities at the Maine Youth Center dictates that the more serious offenders cannot be housed separately from those who can benefit from their commitment.

The present overcrowding in the institutions disallows the possibility of offenders modeling their behavior to staff, and instead, they model their behavior to other offenders.

The present overcrowding necessitates the establishment of higher levels of control for the total program rather than the creation of programs for particular clients.

The present overcrowding causes a dispersion of staff resulting in a lesser degree of personal safety thereby disposing inmates to a higher degree of violence in order to protect themselves.

A higher percentage of offenders presently incarcerated at Maine State Prison do not need an expensive maximum security environment and are there solely because of the lack of alternate facilities.

An increasing number of juvenile offenders at the Maine Youth Center have been committed for crimes of violence. Due to the lack of specialized security facilities at the Center, these high risk offenders are scattered throughout the cottages causing disruption in routine, continuous physical attacks on staff, and a high elopement rate. They interfere with the programming offered to those who desire assistance. The high population requires expansion to other buildings now vacant at the Center, however the budget reductions have not allowed for full employment and the Center cannot accommodate this need.



## Recommendations

The DMHC should establish a range of sentencing options between probation and long term incarceration that will serve to segregate petty offenders from career criminals, and at the same time, will allow the gravity of the sanction to fit the crime. These options are presented in Chart II.

In the case of juveniles, facilities and staff should be provided at the Maine Youth Center to allow for the separation of disruptive inmates that will eventually allow for the redeployment of some staff for precommitment programs. This would mean the creation of a central youth authority with the present Center providing back-up services for system clients.

Purpose 4 - To give fair warning of the nature of the sentences that may be imposed on the conviction of crime.

#### Assumption

- That the court sentence to terms of years and to facilities or programs that reflect the seriousness of the crime.
- That the sentencing decision in its visibility in the community have a deterrent effect on the general public.
- That the nature of the sentence reflect the harm to the victim and that when possible the remuneration of those effects becomes the responsibility of the offender.

#### Findings

As has been said above present facilities populations do not totally reflect the gravity of the offense. The limitation of sentencing options create misconceptions in the eyes of the public: all state prisoners are viewed as career criminals and those that may be diverted to probation in order to avoid assimilation with career criminals are viewed as having only received a slap on the wrist.

There presently are no programs in operation that enjoin the effects on the victim with a responsibility on the part of the offender to pay for his action.

#### Recommendations

As stated above, Chart II will allow for the visibility, victim orientation, and reorientation of sentencing alternatives.

Purpose 5 - To eliminate inequalities in sentences that are unrelated to legitimate criminalogical goals.

### Assumption

- That all persons who consider the commission of a crime are alerted that status in the community will not be a consideration for a lesser punishment.
- That the punishment will be equal to the gravity of the offense in all cases.

### Findings

The sentencing ranges do allow for punishing the gravity of offenses, but the present facilities do not allow for differentiation after committal. Gravity becomes a function of the length of punishment rather than a function of the type of sanction.

### Recommendation

Facilities should be created for a specific sanction purpose that will enhance the principle of gravity. Chart II depicts an adult system proposal and, throughout this paper, we have pointed to the need for separate facilities at the Maine Youth Center.

Purpose 6 - To encourage differentiation among offenders with a view of just individualization of sentences.

### Assumptions

- That the time range within sentencing maximums will allow the sentence to fit the crime as well as the offender.
- That there exists sentencing options that suit the differentiation of offenders.
- That there be an assessment capability to assure objective individualization.

### Findings

Individualization is now only a function of lengths of incarceration and not specialization of program except between probation and institutional sanction. There is not now a statutory requirement in the adult system for pre-sentence reports, nor is there a uniform actuarial method in compiling assessment data when requested.

### Recommendations

Again, the DMHC has a responsibility to provide the options necessary to meet this purpose. Chart II depicts such a system. An assessment process is currently being developed. (Chart III).

Purpose 7 - To promote the development of correctional programs which elicit the cooperation of convicted persons

Assumption

- That within the proper environment free from the third party influence of a Parole Board certain offenders will assume responsibility for their behavior and involvement from a perspective of personal growth rather than early release.

Finding

A profile of offenders currently under sentence indicates a potential for the future good use of a range of community based options. These people are identifiable to a degree upon admission, but present overcrowding has a debilitating effect on current predictive indicators: Staff does not know as much about individuals as they have in the past.

Recommendations

Again, responsibility to the victim, family and the offender himself are the principles the DMHC needs to incorporate. The range of community-based programs both as sentencing options and transfer opportunities are outlined in Chart II.

Purpose 8 - To permit sentences which do not diminish the gravity of offenses.

### Assumptions

- That the sentence range for each class of offense now allows for sentences of just desert .
- That the continuing role of the court in determining the extent of original sentence decisions serves to enhance public awareness by monitoring the DMHC program process.
- That the DMHC provides the necessary options for sentencing in order to relieve the judiciary of an additional "gate keeping" responsibility.
- That the sentencing options visibly correlate with the gravity of the offense in order to increase public understanding and cause for more logical deterrence.

### Findings

The sentencing ranges do allow for sentences of just desert , but due to the limited sentencing options, judges must be concerned with the nature of institutions as they currently are operating. In many instances, offenders are sentenced to the prison even though their offense is of a gravity to warrant a lesser type of incarceration. The antithesis is also true: judges sentence to probation rather than exposing that offender to those convicted of more heinous crimes. This does not serve the need for public protection.

The continuation of a prison sentence does not now allow for differentiation in public acceptance of an offender in the reintegration process. At the same time, public knowledge of those persons receiving probation for conviction of more serious offenses



lessens respect for that option and diminishes any deterrent possibilities.

The DMHC does not now have the resources for creating necessary options and from time to time has had to request the judiciary to consider overcrowding in their sentencing decisions. This should not be a responsibility of the court.

#### Recommendations

1. That the DMHC provide the necessary options as suggested in Chart II.
2. That these options be flexible in their creation in order that they may be responsive to changing needs of the judiciary.
3. That their purposes be so established as to be both visible and logically understandable to the public.

	Intensive	Regular	Responsive
Client	All Parolees Probationers w/high point ratio  (Eventually expanded work release and furlough supervision)	Parolees after 3 months Intensive Probationers on intake	Parolees after 6 months regular Lifers after 5 years regular Probationers after 6 months regular Persons voluntarily seeking services
Reporting	Face to face meetings at least bi-weekly; more frequent as determined by the supervising officer	Report monthly either face to face or by phone at the discretion of the supervising officer	Monthly mail in contact; face to face contact once in six months
Supervisory Goal	Guarantee social services required by the client and the court either by direct purchase or coordination and follow up	Monitor special conditions, contacts with criminal justice system through DMHC Management Information system and follow up of social services as necessary	Criminal justice contact monitoring, crisis intervention, continued monitoring of special conditions
Caseload	Max of 30	70/100	200/300 per district
Time	All for 3 months	Parolees for 1 year Lifers for 5 years Probationers for 6 months	Parolees for 1 year Lifers for balance of statutory requirement Probationers for 1 year or balance of sentence
Social Services	Guaranteed either by referral or direct purchase	Provided by interagency referral	Client responsible for securing their own social services
Workload Indicators	To be developed through data analysis of projected December caseload		

CHART III - PROBATION CLASSIFICATION MODEL

CHARGE: ALTERNATE METHODS OF INSTITUTIONALIZATION OF OFFENDERS

The response to this charge will be an expansion of the perspective taken on the adequacy of current facilities. As has been pointed out, the new Code has underscored the court's position as the central decision-making component of the criminal justice system. This has created a function of court accountability that heretofore did not exist: gatekeeper for the corrections system.

Looking at the available alternatives, the information available for decision-making, it becomes apparent that to meet the purposes of the new Code new options should be developed.

Over the past two and a half years we have had the opportunity to evaluate first-hand community corrections programs operated by professionals in the field. Chief Woodhead being familiar with the Bangor Pre-Release Center believes this approach to rehabilitation is the proper procedure to follow. Close coordination by the corrections personnel with other agencies, both law enforcement and social service, is the basis of its success. In Bangor it has worked extremely well for the past year and a half or two years. It is this type of option that should be replicated not only as a transfer capability but also as a direct sentencing alternative. It is our opinion that replication and expansion should take place in Portland and Augusta, reducing pressure on the prison and giving judges more latitude in sentencing the mid-range type of prison inmate.

The absence of mid-range institutions has many times influenced judges to sentence to the major institutions as a last resort, when a mid-range sanction would serve the public interest. Chart II is designed to fill that need. The courts need options directly accessible to them and the corrections system needs similar options as transfer points.

### Youthful Offenders

That those persons presently considered juveniles be diverted to other alternatives as proposed in Chart II whenever possible.

That the Maine Youth Center be continued for appropriate cases and that where needed transfers to the Maine Correctional Center occur (legislation required).

That those youths who are not juveniles be diverted to other alternatives as proposed in Chart II whenever possible.

That the Maine Correctional Center be continued for appropriate cases where alternate placement is not feasible or appropriate.

That both the Maine Youth Center and the Maine Correctional Center be used as co-ed facilities.

### Women Offenders

That women be sentenced to alternatives as proposed in Chart II.

That the state no longer accept out of state transfers of women.

That the special unit for women existing at present at the Maine Correctional Center be continued as a system back-up service.

### Career/Serious Offenders

That the Maine State Prison be designated as the institution for confining solely those persons who perceive crime as a way of life and those persons who have committed violent and heinous crimes.

That by such a designation the gravity of the offense and length of sentence are correlated with a specific place of confinement.

### Mentally Ill Offenders

That the Department of Mental Health and Corrections accept its true responsibility and provide a maximum security facility to receive direct commitments from the court and transfers from other correctional institutions.

That the law relating to the commitment of those adjudged not guilty by reason of mental defect be changed to allow for a specific time for confinement. As is the case under the new Code for all sentences, such a commitment would be deemed tentative. When a person so committed is felt to be well, he/she would be returned to the court for redispotion to include a commitment to an alternative proposed in Chart II.

#### Property Offenders

That alternatives of minimal institutionalization be created with an emphasis on restitution and the acceptance of social responsibilities.

That those alternatives be multi-leveled in order to provide a continuum of increasing sanction for repeat offenders without losing sight of the emphasis stated above.

#### Pre-release Offenders

That to provide for the proper reintegration of offenders into their proposed community of residence, pre-release programs such as the one presently operating in Bangor be established statewide.

That these pre-release centers be operated by correctional staff specifically trained and functioning within a state administrative structure.

#### Mentally Retarded/Special Need Offenders

That allocated for the alternatives proposed should be funds specifically designated for the purchase of services to meet special needs.

That special services include residential treatment care, vocational training, alternate education, and specific counseling and the like.

Petty Offenders

That there be legislation limiting commitment to county jails for certain classes and lengths of time.

That within that timeframe certain jails be designated as regional facilities to allow for adequate programming for commitments of ninety days or more.

Juvenile Offenders

That there be created a Maine Youth Authority within the Bureau of Corrections to provide for adequate regional detention, crisis intervention, pre-adjudication assessment, a range of community alternatives within probation and aftercare, and the backup services of a central institution, the Maine Youth Center.

That the Maine Youth Authority be created by combining personnel of juvenile probation and aftercare, accompanied by appropriate funding.

That sentences of institutionalization, probation or diversion be to the Maine Youth Authority.



CHARGE: EXAMINE APPROPRIATE STAFF TO OFFENDER POPULATION RATIOS FOR EACH CORRECTIONAL FACILITY.

Staff of the three existing correctional facilities have been categorized within the following functional definitions:

1. Direct Care - Those employees who spend the majority of their time either in direct supervision of inmates/clients or as program operators through which they interact constantly with inmates/clients over 24 hours.
2. Direct Support - Those employees who spend the majority of their time either in supervising direct care staff, or in external security, in control points or coordinating positions over 24 hours.
3. Service Support - Those employees who spend the majority of their time either in maintenance, administrative tasks or other services in which they never, or rarely, come in contact with inmates/clients over normal work week.

Further, for comparative purposes, we have drawn on the 1967 President's Commission on Crime & Delinquency recommendations for staffing ratios in institutions. Formulas have been developed to show the average number of personnel available during any 8 hour shift.

CHART A: MAINE STATE PRISON			
PROGRAM	Maximum Security	Bangor Pre-Release	Minimum Security Unit
<u>DIRECT CARE</u>	97	5	13
Present Client/Staff	15.5/1	26/1	24/1
Target Standard	6/1	12/1	12/1
<u>DIRECT SUPPORT</u>	46	-0-	2
Present Client/Staff	47/1	-0-	55+/1
Target Standard	36/1	9/1	9/1
<u>SERVICE SUPPORT</u>	23	-0-	
Present Client/Staff	20/1	(Supported by Central Prison Administration)	
Target Standard	50/1	50/1	50/1
Total Employee Count	166	5	15

## CHART B

## MAINE CORRECTIONAL CENTER

PROGRAM	Main Unit	Pre-Release Unit 1*	Women's Unit
DIRECT CARE	80	9	9
Present Client/Staff	7.3/1	5.7/1	9.8/1
Target Standard	6/1	12/1	6/1
DIRECT SUPPORT	22	3	2
Present Client/Staff	15.2/1	10/1	consolidated w/main unit
Target Standard	36/1	9/1	36/1
SERVICE SUPPORT	7	1	-0-
Present Client/Staff	19/1	18/1	consolidated w/main unit
Target Standard	50/1	50/1	50/1
Total Employee Count	109	13	11

\*1 Figures represent only 6 months of operation and will eventually approach Bangor Pre-Release

## CHART C

## MAINE YOUTH CENTER

PROGRAM	In Residence	Aftercare
DIRECT CARE	138	7
Present Client/Staff	7.1/1	39/1
Target Standard	6/1	40/1
DIRECT SUPPORT	25	-0-
Present Client/Staff	41/1	certain direct care perform as supervisors
Target Standard	36/1	150/1
SERVICE SUPPORT	23	1
Present Client/Staff	9/1	
Target Standard	50/1	50/1
Total Employee Count	186	8

Our analysis of the descriptive data above is in terms of cost/yield decisions: The present Direct Care staff ratios do not meet target standards, but the cost of increasing personal services will not increase yield. (Yield as defined here as best interest of government). It is our collective opinion that present sentencing options a) do not meet requirements posed in the purposes for sentences in the new Code, b) are overly costly in relation to the type of offender detained, and c) cannot demonstrate successful correctional results.

It follows then that management (the executive branch) should design, test, and select cost effective alternatives: A design has been presented as a Proposed Adult Corrections System.

CHARGE: ADEQUACY OF REHABILITATION AND TREATMENT PROGRAMS FOR OFFENDERS

Although there is a question as to the number and type of offenders who would benefit from rehabilitation and treatment programs, it is fact that many offenders come from backgrounds which are deprived not only educationally and economically but also psychologically. It was the consensus of the Task Force that a whole array of rehabilitative services be made available to the offender population to meet expressed need.

The State of Maine is rich in its rehabilitative resources; such as, education, vocational rehabilitation, and mental health services. For example, Maine is one of the few states in the country in which the entire population has state and/or federally funded community mental health centers available.

The Task Force feels strongly that these mental health services be made available to the clients of the criminal justice system as they are to the rest of the population insofar as current resources permit.

Many of the clients of the criminal justice system might be eligible for specific services in the mental health centers and it may well even be the case that non-institutionalized offenders might be able to reimburse the mental health centers in the usual fashion. Specific programs with respect to offenders should be coordinated with the sheriffs of the county jails as well as the superintendents of the correctional facilities within specific catchment areas.

The above example could also apply to educational services, alcoholic rehabilitative services, and programs for mentally retarded offenders. It would seem absolutely unnecessary to build further facilities, create new bureaucracies, or hire vast new numbers of personnel since the offenders who are residents of the given areas should be eligible for all these services.

One of the failures for rehabilitation programs has been the fallacious assumption that all offenders might benefit from them. It may well be that there

is a small segment of the offender population that has chronic mental illness, neurologic deficits, or untreatable characterologic difficulties that make them extremely unlikely candidates for rehabilitation. These offenders should not be written off but rather should have programs available that take into consideration the unfortunate chronicity of their difficulties. We recommend that a security area at the Augusta Mental Health Institute be available for the treatment of chronically ill offenders. The current practice of sometimes discharging offenders from the mental health facilities prematurely or without recognition of what is available for them at the correctional facility should be discontinued. A decision that an offender returns to the correctional facility should be made with the concurrence of the warden or sheriff of that facility. We feel that this program should be at Augusta in order to combine services for those offenders who are found not guilty by mental defect yet are dangerous and have been sent to the hospital. Resources would double if such a unit were built at the prison as this second type could not legally access such a unit.

SECTION II

PROPOSED LEGISLATION

1. An Act limiting the use of County Jails to a maximum of six months per sentence
2. An Act limiting the use of the Maine Correctional Center to a maximum sentence of 5 years and to a minimum sentence of 6 months
3. An Act limiting the use of the Maine State Prison to a maximum sentence of life and to a minimum sentence of five years
4. An Act creating three Area Residential Centers for sentencing from 6 months to one year specifically for the purpose of restitution to victims of crime
5. An Act creating sentencing options of Pre-sentence Diversion and Conditional Discharge
6. An Act supporting the accessibility and availability of various services from the Mental Health Clinics to the offender population.
7. An Act creating a Maine Youth Authority to include court screening services, probation, aftercare and institutional programs for juveniles adjudicated delinquent
8. An Act enabling the courts to retain criminal jurisdiction over offenders found not guilty by reason of mental defect
9. An Act enabling the courts greater discretion in the processing of certain juveniles accused of Class A & B offenses and who are between the ages of 16 and 18
10. An Act requiring the Department of Human Services to provide group home, foster care, and other ancillary services for juveniles screened as pre-delinquent or status offenders
11. An Act requiring each local education agency (LEA) to include in their curriculum a comprehensive program of crime prevention as part of pre-requirements for state funding
12. An Act requiring Pupil Evaluation Teams (PET) within each local education agency (LEA) to assess program needs for juveniles referred to them by courts



SECTION III

PROPOSED BUDGET NARRATIVE

Presented in this section of our report are budget projections necessary to implement our legislative recommendations. As we are recommending system changes in both the adult and juvenile corrections operations, the estimates for the most part do not include savings through transfer of funds developed in reorganization. Therefore, the projections are cash flow rather than line item and should be compared with requested Part I budget increase requests and Part II requests from the operating agencies.

We also wish to emphasize our orientation towards criminal justice system improvements as opposed to the more traditional line component planning. We have addressed expressed needs of law enforcement and courts; have suggested plans for management system improvement and sentencing alternatives and now are submitting cost estimates of these proposals.

## BUDGET 1

1. An Act limiting the use of County Jails to a maximum of six months per sentence.
  - State expense is in match for federal LEAA dollars being utilized to upgrade local facilities. Some counties are also applying for EDA construction funds.
2. An Act limiting the use of the Maine Correctional Center to a maximum sentence of 5 years and to a minimum sentence of 6 months.
  - In limiting entry to six months the State should expect to redirect high turnaround costs, i.e., high initial and high discharge costs in any fiscal year. This will be offset by the projected increase in average length of stay bringing that institution to an average daily population of 150 over 5 years. The budget there should be zero-based for that population count minus the pre-release personnel as they will be picked up in the proposed Area Residential Centers (300 beds statewide). There would also be savings in construction costs projected at 26,000 per bed space.
3. An Act limiting the use of the Maine State Prison to a maximum sentence of life and to a minimum sentence of five years.
  - In limiting entry to the Prison to five years the State should expect to save high turnaround costs as the average length of stay currently is approximately 27 months. The budget was zero-based in FY '74 and no increases would be necessary. Those nine staff assigned to the Bangor Pre-release Center would be transferred as staff to the Area III Residential Center. There would also be savings in construction costs projected at 43,000 per bed space to absorb population increases.
4. An Act creating three Area Residential Centers for sentencing from six months to one year specifically for the purpose of restitution to victims of crime.
  - In creating three such facilities for a total of 300 beds, the State is substituting a low per capita cost facility for higher ones at the Prison and Correctional Center. Our proposal calls for staffing to a ratio of committals, 60% of whom will be sentenced directly from the courts with the other 40% being pre-release transfers from either MCC or MPS. Total staff

## BUDGET 2

count for each of the three centers would be 21 with a total of 54 new positions as nine are currently funded by the Prison. Total Personal Services per annum with fringes would be \$600,000.

Again, our proposal calls for flexible alternatives meaning that the State should not tie itself to bricks and mortar. The Catholic Diocese has been willing to rent adequate facilities in Portland. There is a YMCA building for sale in Lewiston (\$400,000). The third center would be on the grounds at BMHI at the Bangor Pre-release Center. More definitive costs, to include renovation, can be developed if this proposal is acceptable.

The totals for operating, to include all other expenses such as medical contractual, fuel, and food is \$300,000 per center. This figure will be mitigated in Area III, Bangor, as BMHI now assumes 90% of the operations costs of the Pre-release Center. This proposal will then have to be integrated with the planning for the future of BMHI.

No estimate for equipment can be projected as we feel, with the closing of BMHI and Stevens, there is existing equipment in amounts that would offset high estimates.

The proposed system does not allow for the automatic direct sentencing of women or youthful offenders to the Maine Correctional Center. These groups will be eligible for the other proposed alternatives. Projected staffing and programming at these centers has included distinct, but equal, facilities for women. It is for this reason, we have suggested that Maine not accept out of state transfers. Presently four of six women serving sentences of more than 18 months are out of state transfers.

### 5. An Act creating sentencing options of Pre-sentence Diversion and Conditional Discharge.

- A budget for the addition of these services under Probation & Parole was to be prepared as a result of a work load indicator process tied to classification of present caseloads per Chart III in our original report. There has been no movement to date towards incorporating such a system. The

## BUDGET 3

Division of Probation and Parole, in preparing a Part II budget, will project need for staff based on travel and investigation indicators. This need may be mitigated or extenuated by the eventual placement of a Maine Youth Authority. No significant costs are seen for the conditional discharge alternative. A directed use of Correctional Improvement funds could offset any costs to be attributed to these programs.

6. An Act supporting the accessibility and availability of various services from the Mental Health Clinics to the offender population.

- Our initial proposal did not require the development of security facilities, as has been mentioned above, federal LEAA monies are being utilized to upgrade local jails for holding both adults and juveniles. Our concern is that the Mental Health Centers for the most part have not extended themselves to provide assessment services to the courts. In the case of juveniles, the State is assuming this task in providing evaluation at the Maine Youth Center. This problem should be addressed squarely by the District Court in its capacity as the Juvenile Court. Is it rightly a State expense or is it a local expense? The State in presently assuming the role for evaluations is directing high cost resources to a local problem. When there are adequate detention facilities or alternate residential facilities or care in the community, Mental Health Clinics should provide this service.

7. An Act creating a Maine Youth Authority to include court screening services, probation, aftercare and institutional programs for juveniles adjudicated delinquent.

- Our initial proposal assumed a philosophical stance aimed at the provision of a continuum of services for juvenile delinquents. We are now approaching this aspect of need from a pragmatic system development and perspective. Rather than upgrading services within the Bureau of Corrections to provide a Maine Youth Authority, we are now recommending a consolidation of all juvenile programs within the Department of Human Services. Two divisions, Youth Services and Family Services statutorily mandated to coordinate services, could provide a continuum including screening, assessment, alternate living, monitoring and special services without increasing State costs.

This is so because Human Services as the prime recipient of federal HEW funds can supplement such alternatives. Corrections would have to expand intake to include non-delinquent juveniles in order to qualify. In our opinion this option would provide purposeful service delivery and be extremely cost effective as well.

Integration of this proposal with the work products of two other projects, (Children & Youth Services and the Juvenile Statutes Revision Commission) is necessary as they will be presenting broader legislation.

Projected budget needs are seen as a reallocation of Bureau of Corrections resources presently expended for juveniles to include probation staff and the Maine Youth Center operation. Start-up assistance would be available through the use of LEAA Juvenile Justice funds. The State of Florida has an agency operating presently with the mandates we are suggesting here. Their legislative package can be made readily available to you.

8. An Act enabling the courts to retain criminal jurisdiction over offenders found not guilty by reason of mental defect.
  - The cost to the State for this provision is in the creation of a security unit at AMHI. It is our understanding that another task force has made a recommendation with costs for a twelve bed unit.
9. An Act enabling the courts greater discretion in the processing of certain juveniles accused of Class A & B offenses and who are between the ages of 16 and 18.
  - If the Juvenile Statutes Revision Commission recommends adult sentencing penalties for such offenses, the approximately 20 juveniles committed to MYC per year warranting such consideration can be projected into the adult population capacities. If the State considers separate accommodations at the Youth Center, approximately \$100,000 in renovation would be required. LEAA Juvenile Justice special category monies can be used for this purpose.
10. An Act requiring the Department of Human Services to provide group home, foster care, and other ancillary services for juveniles screened as pre-delinquent or status offenders.
  - As discussed in item No. 7 above these services would be required within the proposed Division of Family Services.

BUDGET 5

11. An Act requiring each local education agency (LEA) to include in their curriculum a comprehensive program of crime prevention as part of pre-requirements for State funding.
12. An Act requiring Pupil Evaluation Teams (PET) within each local education agency (LEA) to assess program needs for juveniles referred to them by courts.

- . Recommendation No. 11 will most likely be a part of the recommendations of the Task Force on the Problems of Law Enforcement. As we are not totally conversant on funding for the specialized programs within the Department of Educational & Cultural Services, it may be advisable to consult with the Commissioner there for budget impact.