

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION

INTERIM REPORT
OF THE
JOINT SELECT COMMITTEE
ON CORRECTIONS

FEBRUARY 1988

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JOINT SELECT COMMITTEE ON CORRECTIONS
Interim Study Report

SUMMARY

This is the interim report of the Joint Select Committee on Corrections and addresses the issue of long-range planning for corrections in Maine.

The interim report focuses on the Committee's consensus, as outlined in the First Report of the Joint Select Committee on Corrections, June 1987, that the primary responsibility of the government, in its involvement in corrections, is to ensure public protection. The Committee finds that this goal is most effectively accomplished through a comprehensive system of risk needs assessment and management. Such a system uses certain risk assessment tools to determine the extent of an offender's risk to society. An offender is placed in an appropriate corrections strategy depending on his or her level of risk. Strategies which take into account the need for public protection may range from maximum security imprisonment to imposition of fines.

The study directed the Committee to address issues relating specifically to risk/needs assessment and management. Thorough understanding of current methods for offender risk assessment, classification and placement is crucial to this task. Detailed knowledge of the nature of the offender population is necessary to determine how best to create placement alternatives for those offenders not requiring incarceration and to most effectively utilize Maine's expanding correctional capacity. As is pointed out in the Committee's first report, lack of data capabilities has been a major obstacle to effective planning.

With the recent appointments of a Director and Assistant Director of Classifications, the Department has been able to assist the Committee a great deal with specific data requests. Consequently, the Committee was able to make some recommendations in this report concerning issues relating to Intensive Supervision Probation, Probation Management, Pre-Sentencing Investigation, and options for Maine State Prison.

However, there is still much work involved in developing a long-range plan for Corrections in Maine. The Department of Corrections has limited resources to assist the Committee with much of the detailed data required for this study. Although the Department is in the process of computerizing and improving its information system, it will take time to compile the necessary information. For this reason, further study is needed.

The National Institute for Sentencing Alternatives has agreed to provide technical assistance to the Committee and the Department of Corrections.

I BACKGROUND

In November 1986, a \$16 million bond authorization for prison construction and renovation was approved by Maine voters. The present Joint Select Committee on Corrections was established on December 3, 1986, to make recommendations to the 113th Legislature on how to allocate the proceeds of the bonds.

Resulting Legislation

Public Laws, Chapter 445 - Allocates the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities.

Resolve 1987 c. 68 - Resolve, to Establish the Juvenile Corrections Planning Commission.

This Resolve creates a planning process for juvenile corrections in the form of a Juvenile Corrections Planning Commission. Funding is provided to hire consultants to staff the commission and a report is expected by the 114th Legislature in March of 1989.

Public Laws, Chapter 198 - Promotes the Coordination of State Crime Prevention Programs for Juveniles.

The above legislation dealt with some of the immediate, short term issues concerning corrections.

Consensus emerged during this process, that the primary responsibility of the government, in its involvement in corrections, is to ensure public protection. This goal, the Committee concluded and expressed in its first report, is most effectively accomplished through a comprehensive system of risk and needs assessment and management.

It was further concluded that continued study during the interim was needed to explore issues relating to risk/needs assessment and management that are critical for long-term planning for corrections in Maine.

Specifically, these issues include:

- A. The Department's classification and information capabilities and ways to expand them.
- B. The appropriate range of punishment alternatives
- C. Risk management and its implications for corrections
- D. The future of Maine State Prison and other state facilities

- E. Maine's I.S.P. (intensive supervision probation), program.
- F. The feasibility of treatment strategies for offenders with special needs (alcohol and substance abuse, sex offenders, etc.).

To adequately plan for Maine's future corrections needs it is crucial to have complete data on Maine's offender population, the corrections strategies available, and an understanding of the many factors affecting offender risk, classification and placement. The focus of this study is on acquiring and assessing that information.

II INTERIM STUDY

During a Planning Seminar in May, 1987, the Committee identified the following underlying beliefs about the mission of corrections:

- A. Public protection is the highest priority. It should be accomplished through a system of risk control.
- B. Within the context of public protection, prisons, jails and probation should address those human needs of offenders which contribute to criminal behavior. They include alcohol and substance abuse, mental health, employment and education.
- C. All corrections programs and strategies should be responsive to public concern about punishment. However, punitive strategies should be designed to restore the victim and the community rather than do further harm and damage to the offender. A primary goal in punishment should be restitution not retribution.
- D. All correctional strategies should recognize the important concerns of the victim and the newly established place of the victim in justice decision making.
- E. Cost is and will be a legitimate concern in determining correctional priorities. Prison and jail space represent a limited valuable resource which must be reserved and available for those who pose a threat to public protection.

Within the context of the above principles, the Committee recognized the importance of the following guidelines.

- A. Corrections strategies should always incorporate the least restrictive measure necessary based on a belief in and use of systematic, formal risk assessment. Through analysis of information relating to criminal history factors, it is possible to categorize offenders by a measure of risk. Such analysis can be incorporated in decision making tools including pre-sentence investigations, classification instruments and pre-release procedures.
- B. Corrections at the state and local level should incorporate a range, continuum, or set of strategies which provides multiple options for dealing with risk and need.

- C. With adequate resources and effective management practices it is possible to eliminate inmate idleness. The primary tools should be the development of work and educational opportunities within prisons and jails.
- D. There should exist within the corrections system, a comprehensive classification system which formally and objectively assesses risk and need; and provides objective data for the basis of decision making at times of sentencing, institutional placement and movement, probation case management and pre-release.
- E. There must be available within all institutions, programs and services sufficient to ensure constitutional compliance, humane treatment of offenders and adequate response to the problems of alcohol/substance abuse, mental health and employment.
- F. In the development and maintenance of a range of corrections strategies, community resources should be maximized in the most efficient and cost effective way possible.
- G. The staffing of institutions and probation should be in compliance with recognized professional standards.
- H. There should exist training opportunities for staff in accordance with professional standards. In addition, opportunities for the development of supervisors and managers within the system, especially in a time of complex growth and change, should be maintained as a high priority.
- I. Sentencing, classification and pre-release decision making should be premised upon a gradual re-entry to society.
- J. The corrections field is changing rapidly, promoting a need for public understanding of the nature of offenders and the purpose of the corrections system. This demands a government investment in public education and communications strategies.
- K. There exists a critical need to improve the data and information that is generated by sentencing and corrections agencies for policymakers, managers and the public. Primary among those needs is information about the risks and needs posed by offenders.

Based on these principles and guidelines, the interim study directed the Committee to address the following topics.

- A.
 1. Review state-of-the-art classification methods
 2. Identify resources needed by the Department of Corrections to objectively assess risk and need and to provide data on:
 - * Pre-sentencing investigation
 - * Sentencing
 - * Placement
 - * Movement within the system
 - * Pre-release review
 - * Probation management
- B. Identify the appropriate range of punishment/treatment alternatives, and necessary resources to provide that range (See Appendix 1 for an example of a possible range of alternatives)
- C. Discuss the future of Maine State Prison and other state facilities
- D. Review Maine's Intensive Supervision Program
 1. Current status
 2. Proposed Changes
 3. Future Use
- E. Examine the feasibility of treatment capabilities for offenders with special needs (substance abuse, sexual offenders, etc.).

The Committee held eight meetings between October 1987 and February 1988, working in conjunction with Mark Corrigan, Director of the National Institute for Sentencing Alternatives, and Department of Corrections officials. In summary, the Committee:

- A. Began acquiring and assessing information on Maine's offender population:

The Department provided 214 detailed profiles on incarcerated offenders with class C as most serious offense. Offenders at Maine State Prison were not included, nor were offenders currently on probation.

- B. Obtained information on current department risk assessment tools:

The department informed the committee as to procedures used for pre-sentencing investigation, criteria for

probation/parole supervisory levels, institutional classification and reclassification pertaining to security risk assessment.

- C. Obtained a detailed description of the status of programs and treatment services for incarcerated offenders.

The Committee discussed problems and specific needs for improvement with a panel of program representatives.

- D. Analyzed the current status and proposed changes to the Intensive Supervision Program
- E. Looked at the current Pre-sentencing investigation methods
- F. Looked at the current status, needs of probation division
- G. Obtained projected bed space needs to 1995, before and after impact of county jail sentencing and intensive supervision.
- H. Met with Ken Ricci, of The Ehrenkrantz Allied Engineering Group, to discuss future options for Maine State Prison and other state facilities.

With the help of this information, the Committee was able to determine some specific needs in the field of corrections, although realizing the need to continue studying issues relating to risk needs assessment and management.

III RECOMMENDATIONS, RESOLUTIONS, LEGISLATION.

A. Probation and Parole

According to the division of probation and parole, on October 31, 1987, 6,305 people were under some form of supervision. This is a record high for the department. Currently Maine officers are often handling in excess of 100 cases. However, the department has indicated that a 1 to 75 ratio for adult supervision and a 1 to 35 ratio for juvenile supervision, coupled with enough clerical assistance to handle anticipated work load increases, would alleviate some of the difficulties arising from such a large number of offenders under supervision.

Consequently, the Committee recommends appropriating funds for 29 additional field officers, 12 additional clerical staff and the creation of two additional supervisory districts to maintain a current ratio of 16 field officers for 1 district supervisor. Two additional district supervisors would also be needed. (See Appendix 2)

B. Pre-Sentencing Investigation

One of the guidelines specified in the Committee's statements about the mission of corrections is that it is possible to categorize offenders by a measure of risk, through analyzing information relating to criminal history factors. Decision-making tools such as pre-sentence investigations facilitate such analysis. For this reason the Committee encourages Departmental and Judicial use of pre-sentencing investigation procedures, and requests the Legislature to support future assistance to the department if pre-sentencing investigation procedures place excessive demands on existing resources.

C. Intensive Supervision Program

The Intensive Supervision Program took effect on August 29, 1986. Because of the need to hire and train additional personnel, as Intensive Supervision Officers, it wasn't until March of 87 that the first offender was sentenced to the program.

There are presently five, two man teams, supervising offenders. A sixth team is authorized but because of a present hiring freeze it consists of only one person. Funds for three teams were withdrawn in early 1987, and funds for the remaining team were diverted to run the Indigency Program (an investigative program to determine who is indigent and who is not).

Under current law, an individual must be sentenced to a minimum of three years to the Department of Corrections, one year to be served under intensive supervision followed by two years' suspended sentence while on probation.

After eleven months of evaluation, it is apparent that the program is doing what it was designed to do; reduce the population of the correctional facilities.

However, a first-time felon would not usually receive a 3-year sentence. Because of this, some defense attorneys were hesitant to advise their first time felony clients to agree to a three year sentence in order for them to be sentenced to the Intensive Supervision Program.

New legislation proposed by the Department of Corrections would reduce the requirement to 6 to 18 months on the program, followed by a minimum of one year's suspension while on probation. This change would provide the courts with more flexibility in considering people for the program, enabling the allotted 15 person case load to fill up in a relatively short time.

The Joint Select Committee on Corrections supports this new legislation which appears as LD 1987, AN ACT Relating to Sentences with Intensive Supervision. (Appendix 3)

The Committee supports appropriate funding for adding an additional officer to each of the five teams now in place. While two men can provide the minimum required supervision for 25 people there is no flexibility to allow for vacation, sick or emergency leave or comp time earned when required to work on Holidays. A third person would enable each team member to spend six months actually supervising the ISP case load and three months to take leave and earned comp time. This would also provide a back up for the team if one of the other two becomes sick or needed emergency time off. During this three month period the officer could supervise a small case load (25) of low risk people who are on regular probation.

It should be emphasized that although the statutes state that each team is to have no more than 25 people on ISP at one time a case load of 15-20 people will task each team to its optimum capacity.

D. Treatment Strategies

Within the context of public protection, the Committee concluded that part of the mission of corrections is to address problems and needs of offenders which

contribute to criminal behavior. They include alcohol and substance abuse, mental health, employment and education.

As the Committee continues to develop a long-range plan for corrections, it proposes to consider a variety of strategies, including the following:

1. Residential treatment centers for offenders with special needs (alcohol and substance abuse, sex offenders etc.)
2. Small minimum security centers, aimed at keeping the offenders in the community, while providing a structural atmosphere and adequate treatment facilities
3. The development of follow-up programs, providing a support network for released prisoners, using business, communities, and social services
4. A "release adjustment" counselling program which provides services before and after release, easing the transition process from incarceration to society.

E. Maine State Prison.

Committee members met with Ken Ricci, of the Ehrenkrantz Group to discuss options for Maine State Prison. The Ehrenkrantz Group and Allied Engineering are currently doing design work on the following construction approved as a result of the 1986 \$16 million bond issue:

100 bed free standing maximum security facility at Warren	\$11,000,000
50 bed minimum security housing at MSP Farm at S. Warren	1,400,000
100 bed medium security housing at Maine Correctional Center at S. Windham	2,000,000
50 bed minimum security housing at Charleston Correctional Center	1,000,000
Renovation and construction at MSP related to treatment, recreation and programs	600,000

The 100 bed maximum security construction at Warren is still in design stage, and should be completed by early 1991.

Construction work at Maine State Prison is piecemeal and slow because of overcrowding. Idleness is a problem because of limited program and activity space. Furthermore, Department of Corrections offender population projections indicate that by 1995 space will be needed for approximately 615 maximum security beds.

Considering these problems, the Committee reviewed the following options for Maine State Prison.

1. Build a 500-bed maximum security facility - in addition to the current 100-bed construction at Warren.
2. Renovate East Wing of Maine State Prison and run it as a 200-bed medium security center, with a strong industrial component, instead of its current 400-bed capacity. Any work at MSP, however, requires development of some sort of "swing space" facility, to which prisoners could be moved while construction goes on. Otherwise, work is slow and piecemeal.

Note: If this option is adopted, 200 beds will have to be added to the projected 637 over and above capacity by 1995. In other words, the system would be short 837 beds by 1995.

3. Instead of one 500-bed maximum security facility, build several regional institutions (e.g. three 150-bed facilities).
4. Develop a separate facility for special needs offenders (substance abuse and sex offenders etc.), using existing state-owned property.
5. Cap new construction at Warren at 300 maximum security beds, and locate a free-standing, 250/300-bed mental health and reception unit elsewhere.
6. Hold a bond issue as soon as possible on one or more of the above options.
7. Wait until alternative strategies have been thoroughly developed - such as a risk-needs management system, community corrections strategies and revised probation management.

Consensus was reached that eventually some form of new maximum security prison construction is probably inevitable. However, the nature of that construction will not be determined until the Committee has thoroughly explored the feasibility of alternative corrections strategies in Maine.

F. Committee Status

Although the Committee was able to make a great deal of progress in developing a long-term strategy for corrections in Maine, there is still a lot of work to be done. Although much information was provided to the Committee, there is a continued need to obtain further information and develop a thorough understanding of topics such as: the nature of the offender population, state-of-the-art risk assessment methods, alternative corrections and treatment strategies for offenders with special needs.

The current study has been extended to December 31, 1988, by which time the Committee intends to develop and frame some omnibus proposed legislation relating to long range corrections planning.

However, issues relating to corrections are varied and complicated. To provide for consistency in dealing with long range planning issues and resulting legislation, the Committee agreed to advocate to the leadership the need for a Joint Standing Committee on Corrections.

IV SUMMARY OF RECOMMENDATIONS

- A. Appropriate staffing changes to the Division of Probation and Parole, lowering case load ratios for adult and juvenile supervision to manageable levels. Specifically this involves:
- 29 additional field officers
 - 12 additional clerical staff
 - 2 District supervisors
- Total \$1,167,923 (Appendix 2)
- B. That the Legislature encourages departmental use of existing pre-sentence investigation procedures. That the Legislature will be supportive of the Department should future demands relating to pre-sentence investigation become too burdensome on existing resources.
- C. Approval of LD 1987, An Act Relating to Sentences with Intensive Supervision. (Appendix 3)
- D. Appropriate staffing changes to Intensive Supervision program - an additional 5 officers.
- E. Consideration of future treatment strategies such as:
1. Residential treatment centers for offenders with special needs (alcohol and substance abuse, sex offenders, etc.).
 2. Small minimum security centers, aimed at keeping the offender in the community, while providing a structured atmosphere and adequate treatment facilities.
 3. Development of follow-up programs, providing a support network for released prisoners, using business, communities and social services.
 4. Consideration of a "release adjustment" counselling program
- F. The Committee proposes that although future prison construction appears inevitable, the nature of that construction will be determined during the coming year, as the Committee continues to study alternative corrections strategies for long-range planning.
- G. The Committee advocates the need for a Joint Standing Committee on Corrections.

V CONCLUSION:

The Committee identified the following needs for long-range corrections planning in Maine.

1. A decision on options for Maine State Prison and adequate maximum security facilities.
2. Substantial investment in probation management
3. A change or improvement in the current State/Local relationship
4. Increased emphasis on use of community corrections alternatives.
5. Staffing and program needs for incarcerated offenders.

On the basis of those needs, the Committee intends to devote March through November 1988 to framing proposed legislation for the 114th legislative session. This would involve three omnibus bills dealing with managing prisoner intake, release mechanisms and housing issues.

Goals for December 1988 - Three Omnibus Bills:

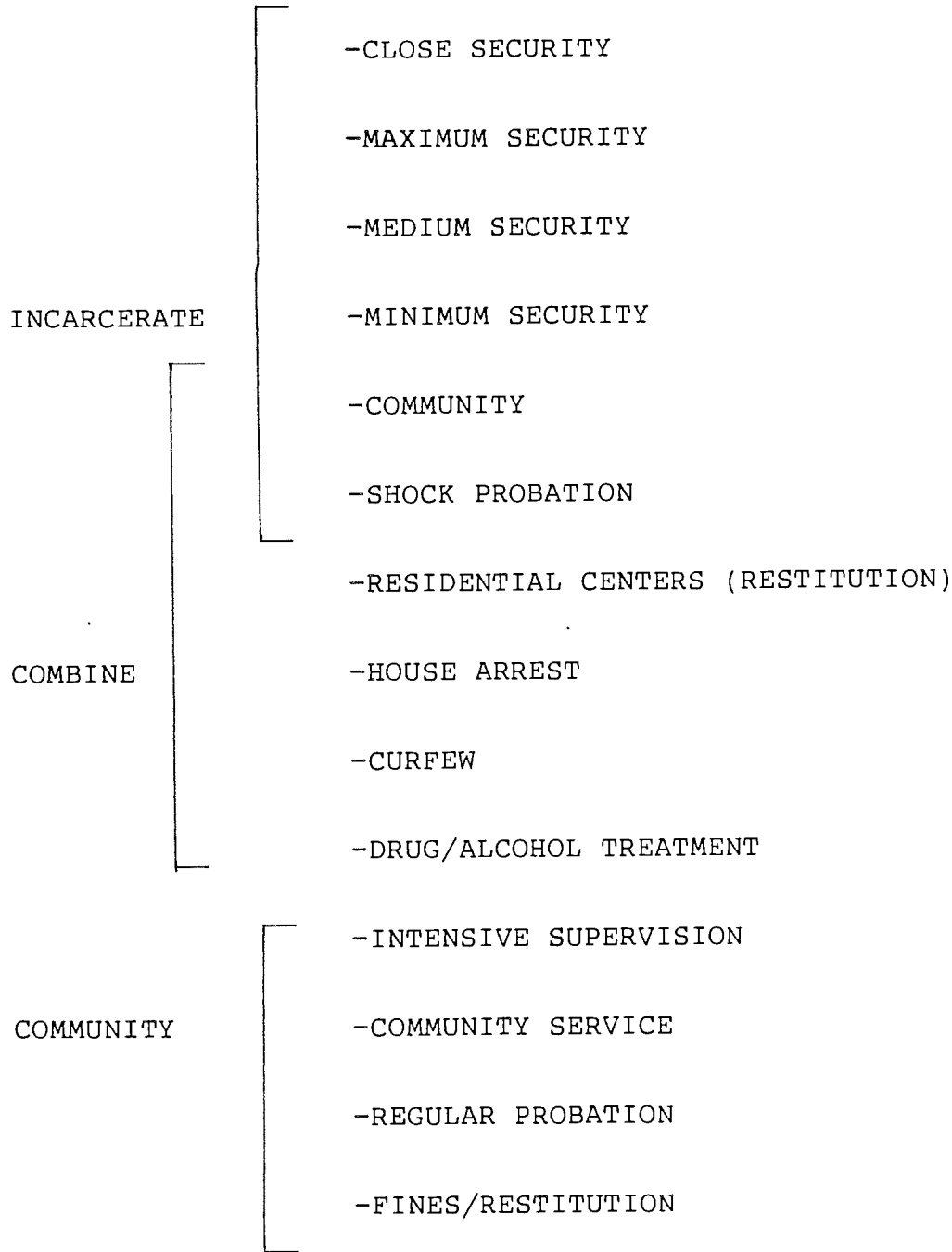
1. Probation-Corrections Improvement Act
 - Establishing framework for process of risk control and management
 - Establishing authority to use a wider array of corrections choices
 - Defining current problems with existing programs and recommending appropriations for any necessary reforms
2. Community Corrections Act
 - Changes state/local relationship by putting money into counties
 - Addresses the issue of punishment/treatment alternatives (such as halfway houses)
 - Provides for more community-based supervision
 - The Committee also proposes to determine whether or not it would be appropriate to incorporate county jails into the state system.

3. Incarcerated Offender Act

- Funding issues regarding specific development options for Maine State Prison and other facilities, including the possible construction of new maximum security facilities.
- Funding and development of treatment strategies and other programs for the incarcerated offender.

Appendix 1

RANGE OF POSSIBLE ADULT CORRECTIONS STRATEGIES



Appendix 2

PROBATION AND PAROLE DIVISION

PROGRAM DESCRIPTION/NEEDS

CURRENT PROGRAM NEEDS - 1987	Total Population	Required for Full Programming	
<u>16</u> additional adult field officers	4,000 (approx.)	Description of Program 1	
			<u>Cost</u>
		Space	16,000
		Personal Services	390,656
		Equipment	21,290
		All other	<u>53,312</u>
		Total:	481,258
<u>13</u> juvenile field officers	2,000 (approx.)	Description of Program 2	
			<u>Cost</u>
		Space	19,500
		Personal Services	317,408
		Equipment	17,810
		All other	<u>43,316</u>
		Total:	398,034
<u>12</u> clerical 11 Clerk Typist II 1 Clerk Typist I		Description of Program 3	
			<u>Cost</u>
		Space	18,000
		Personal Services	177,515
		Equipment	14,040
		All other	<u>7,092</u>
		Total:	216,647
<u>2</u> District Supervisors		Description of Program 4	
		Space	3,000
		Personal Services	60,198
		Equipment	2,740
		All other	<u>6,046</u>
		Total:	71,984

Appendix 3

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1987

S.P. 728

In Senate, January 7, 1988

Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative KIMBALL of Buxton,
Representative MELENDY of Rockland, Representative MANNING of
Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY SEVEN

AN ACT Relating to Sentences with
Intensive Supervision.

Be it enacted by the People of the State of Maine as follows:

17-A MRSA §1262, sub-§1, as enacted by PL 1985, c. 821,
§15, is amended to read:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be for one-year 6 months or more, to be served with intensive supervision, and the remainder, which shall not be less than 2-years one year, suspended with probation, as authorized by chapter 49. As to both the initial unsuspended portion and the suspended portion, the court shall commit the person to the Department of Corrections. If the initial unsuspended portion is for more than one-year 6 months, intensive supervision shall apply

only to the final year portion of the initial unsuspended portion term, with the intensive supervision portion ranging from 6 to 18 months. That portion of the initial unsuspended term not to be served on intensive supervision shall be served in institutional confinement.

STATEMENT OF FACT

Under present law, an individual must be sentenced to a minimum of 3 years to the Department of Corrections, one year to be served under intensive supervision followed by 2 years' suspended sentence while on probation. A first time felon would not usually receive a 3-year sentence. Defense attorneys would not agree to a 3-year sentence in order for their client to be sentenced to the Intensive Supervision Program. By reducing the requirement to 6 to 18 months on the program, followed by a minimum of one year's suspension while on probation, the courts are given more flexibility in considering people for the program while not sacrificing public safety or security.