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**State of Maine
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**Interim Report of the
Corrections Alternatives Advisory Committee**

February 2006

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I. Executive Summary

Maine's attention to its criminal justice practices has produced the lowest incarceration rate in the United States and one of the lowest per capita costs for corrections. Despite these positive trends, the State's correctional system continues to face serious challenges including growing prisoner populations, costly recidivism rates, rising health care costs, larger than average probation loads for case workers, and other problems.

In the past twenty years, the average daily population in state prisons has grown 71%, while county jails have grown by a whopping 173%. To accommodate this growth, Maine, in 2004, spent \$127,343,971, not including debt service, to operate its prisons and county jails.

These challenges, well documented in two recent reports prepared by the Commission to Improve the Sentencing, Supervision, and Management of Prisoners in 2004 and 2005, impose a growing financial burden on taxpayers and exact social costs as well. Fortunately, some of the recommendations proposed by this Commission have already been implemented, and early signs suggest they may prove successful at reversing some of the more alarming trends.

As the number of people incarcerated continues to rise while the crime rate continues to decline, the task of improving the correctional system must be a long-term process, requiring continual assessment of current practices, new capacity for managing performance, and a willingness to look in different ways at the whole system and not just the individual parts.

Although Maine's challenges are not unique, they summon a call for proactive change based upon what works around the country as well as in Maine's backyard.

Starting in August of 2005, the Corrections Alternatives Advisory Committee (CAAC) began looking for ways to help facilitate this change and quickly gravitated towards three key areas for improvement:

1. Appropriately manage offenders' risk and needs in order to provide Maine with the best opportunity for pursuing justice in a way that meets the needs and interests of victims, offenders, and society as a whole.
2. Increase whole system efficiencies by better managing and aligning whole-system performance.
3. Enhance State and county coordination to most effectively conserve and leverage available resources.

Through its study process, the Committee identified a range of findings that underscored just how important these objectives could be in terms of helping the State's correctional system become more effective and efficient. These findings included the following:

1. A primary cost-driver in the State's system is the increasing number of inmates.
2. This increase is occurring primarily because of policies and practices within the system not by outside forces such as rising crime rates.
3. Considering the State's current supply of prison and jail space, the continuation of present policies and practices will soon necessitate increased spending for physical structures.
4. The change in types of crimes and the demographics of offenders is requiring new methods and additional resources.
5. Pretrial defendants' average length of stay along with probation revocations are driving costs and the use of jail bed space.
6. The best way to reduce these costs is by viewing the system as a single entity and making the entire criminal justice system more effective using evidence-based policy and practice.
7. Technology and coordinated service delivery, when used appropriately, can make Maine's system more efficient.
8. Outcome-focused policy and funding mechanisms, including the redesign of the State's Community Corrections Act, can encourage best practices.
9. On-going leadership and system-wide change management is needed to facilitate the system-wide cost-benefits associated with cooperative planning, purchasing, networking, and implementation of effective and efficient policy and practice.

These problems, along with opportunities for optimizing the utilization of existing resources, are addressed through the eleven recommendations contained in this report.

The Committee's objectives and recommendations are as follows:

1. Appropriately manage offenders' risk and needs

- 1-A Reduce the average length of pretrial defendants' stay within jail.
- 1-B Improve sentencing outcomes by providing appropriate information and expanding options and resources.
- 1-C Evaluate the use of split sentencing to determine this sanction's effectiveness in managing the risk and needs of offenders.

2. Increase whole system efficiencies

- 2-A Enhance the capacity to manage system performance through information technology and alignment of practice.

2-B Establish a state-wide, collaborative approach to community corrections to include the appointment of a CAAC leadership and planning sub-committee that would begin its work by revising the Community Corrections Act and bring these revisions back to the CAAC for their review and consideration as recommendation to the Legislature. Members of this sub-committee would include CAAC Committee members and other invited guests

3. Enhance State and county coordination

3-A Decrease transportation costs while improving efficiency: 1) through the use of videoconferencing technology for medicine, psychiatry, civil and criminal proceedings, probation violation hearings, and pre-sentence interviews; and 2) by investigating effectiveness and efficiency of a state-wide transportation network.

3-B Establish mutually agreed to policies and practices for ordering and managing pharmaceuticals including the administration of blister packs.

3-C Assess and effectively manage contract specialty cost drivers such as in-patient hospitalization.

4. Continue the Committee's work

4-A Review current funding systems and identify alternatives to increase efficiency and effectiveness across the system.

4-B Explore opportunities for regionalization to best utilize resources.

4-C Implement and guide recommendations pertaining to: (a) reviewing the use of split sentencing sanctions; (b) developing recommendations for improving the pretrial process; (c) establishing a sub-committee to draft a new Community Corrections Act; and (d) facilitating the development of local and State capacity to support this work.

This report, as requested by the Legislature, describes the work that has been performed by the Committee to date including the process for undertaking this work; the identification of trends and issues; and the objectives, findings, and conclusions that have influenced the identification of the recommendations.

It is with pleasure and hope for continuing this work that the Committee submits this report.

II. Introduction

Committee Formation

The Corrections Alternatives Advisory Committee (CAAC) was created by the Maine Legislature in the spring of 2005 to improve the efficiency and effectiveness of the State's corrections system and to better manage costs. The Committee was charged with studying various options aimed at achieving improvements, determining the costs and benefits of each option, and making recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government and the joint standing committee having jurisdiction over criminal justice and public safety matters.

In light of the rising cost of corrections in Maine, the Legislature wanted solutions that would manage the costs at both the State and county level, and identified several key areas on which the Committee should focus:

1. Restructuring county jails;
2. Improving the decision-making process for approving, financing, and building new correctional facilities;
3. Proposing criteria for an incentive fund established to further the Committee's recommendations;
4. Assess the level of State funding of county jails to include the existing funding through the Community Corrections Act and the County Jail Prisoner Support; and
5. Identify other State revenues to fund the incentive program.

The Legislature was particularly interested in improving collaboration between the State and county government, as well as exploring the potential benefits of regionalization (Please see Appendix A for enabling legislation for the Committee).

In establishing this committee, the legislature appointed the Commissioner of the Corrections Department, Marty Magnusson, as one of two co-chairs and directed Commissioner Magnusson to appoint two additional individuals from his Department to the Committee. The Governor appointed the remaining members to represent other stakeholder groups. Waldo County Sheriff Scott Story serves as the other co-chair (Please see Appendix B for complete committee membership).

Committee Objectives

The Corrections Alternatives Advisory Committee's work was guided by a set of three objectives which the Committee developed early in its work:

1. Appropriately Manage Offenders Risk and Needs

Over the years, a tradition of policies and practices have shaped corrections in Maine as in other states. While some of these initiatives have worked well, research shows that the most effective means of managing resources and achieving desired outcomes is to implement policies and practices which have been shown to produce quantifiable, measurable results—otherwise known as “evidence-based policies and practices.” The concept of “managing offenders’ risk and needs appropriately” was identified as a key objective by the Committee because of its foundation in the evidence-based policy and practice work that is shaping the new field of corrections nationwide.

2. Increase Whole-System Efficiencies

The Committee and involved stakeholders recognized that the Committee’s work needed to look at the whole correctional system—how work gets done between and among State and local components—to see what was driving cost and inefficiencies and how system-wide improvements could address both short-term and long-term resource constraints.

3. Enhance State and County Coordination

Historically, the corrections system in Maine has operated as 17 independent organizations: the Department of Correction and the 16 counties. It was immediately apparent to Committee members that better coordination and collaboration was essential to minimize waste and streamline operations. It was also apparent that this coordination and collaboration needed to be between Maine’s Department of Corrections (MDOC) and local jails; among local jails and jurisdictions; and between MDOC, jails, and the Court System including the Judicial Branch and related court functions. While the Committee recognized the importance of the inter-relationship between law enforcement, district attorneys, the defense bar, and the nonprofit sector, the scope of the Committee’s initial research and analysis was not able to focus on all system components equally.

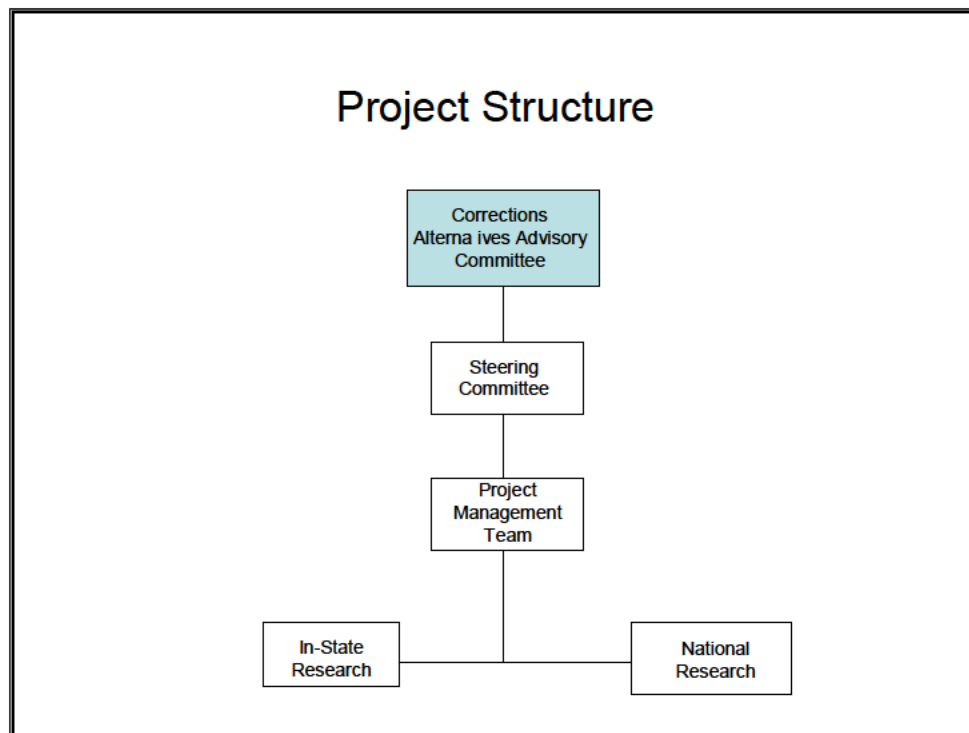
III. Process and Methods

Strategy for Meeting Objectives

The initial meeting of the Committee took place in August 2005, less than five months before a final report was expected by the Legislature.

Given the short time frame, the Committee worked quickly to establish “success criteria” for its work and to develop a strategy for moving forward.

At the initial meeting in August 2005, the Committee decided to ask the National Institute of Corrections (NIC), a federal agency housed within the U.S. Department of Justice, to help facilitate and support the process. Mary Ashton and Phyllis Modley from NIC joined the Committee process in September, bringing expertise and an outside perspective. The Committee also retained Cheryl Gallant as on-site project manager. Recognizing the scope and complexity of its work, the Committee established a project management team to manage its need for information and analysis, which included representatives with diverse skills and expertise from a range of organization (Please see Appendix C for project management team membership).



Meetings

Between August 2005 and January 2006, the Committee held ten meetings. All meetings were open to the public and widely advertised in the *Kennebec Journal*, *Portland Press Herald*, and *Bangor Daily News*. Meeting times were posted in the Legislative calendar and on the Corrections Department website. Email announcements of meetings were sent to a wide range of stakeholders and agendas, minutes, and all materials presented to the Committee were posted on a special webpage dedicated to the Committee at: <http://www.state.me.us/corrections/caac/index.htm>.

Meetings were held on:

- August 23, 2005
- September 21
- October 6
- October 17
- November 1
- November 15
- December 16
- December 21
- January 17, 2006

An important aspect of the meetings was the Committee's desire to have attendance and active participation by individuals and representatives of organizations connected to the State's correctional system. During the Committee's early meetings, for example, members of the audience were invited to break into small groups to develop lists of concerns and issues to be addressed through the Committee's work. These issues became part of the strategy map that outlined the work of the Committee going forward.

On-going Stakeholder Input

Early in their meeting process, the Committee concluded that they needed to view the entire correctional system as a whole and to receive input from representatives of as many system components as possible. It was understood that reaching out to a broad stakeholder group would provide a learning opportunity across components that included: State and county administrators, judges and prosecutors, law enforcement, parole officers, nonprofit service organizations, victims, inmates and their families. The Committee strove to make research, discussion, and decision-making a collaborative process and, with the help of the project management team, involved stakeholders through discussion, surveys, one to one interviews, and Committee presentations. This involvement, while not as extensive as the Committee had hoped because of time constraints, led to better understanding of the issues and opportunities for change.

Stakeholders involved included representatives from:

- Central Maine Pre-Release Center
- City of Bangor

- City of Augusta
- Cumberland County Sheriff's Office
- Kennebec County District Attorneys Office
- Kennebec County Sheriff's Office
- Knox County Sheriff's Office
- Maine Attorney General's Office
- Maine Association of Criminal Defense Lawyers
- Maine Board of Medicine
- Maine Coalition Against Sexual Assault
- Maine County Commissioners Association
- Maine Department of Corrections
- Maine Department of Public Safety
- Maine Governmental Relations
- Maine Jail Association
- Maine Judicial Branch
- Maine Municipal Association
- Maine Office of Geographic Systems
- Maine Pretrial Services
- Maine Reentry Network
- Maine Sheriff's Association
- Maine Telemedicine
- Muskie School of Public Service
- National Association of Mentally Ill (NAMI) – Maine
- National Institute of Corrections
- Office of Policy & Legal Analysis
- Oxford County Sheriff's Office
- Penobscot County Sheriff's Office
- Pretrial Services Resource Center
- Restorative Justice Project of the Midcoast
- Somerset County Commissioner's Office
- Volunteers of America
- Waldo County Sheriff's Office
- Xwave
- York County Sheriff's Office

Decision-Making

After listening to presentations and considering the available data, Committee members shared their perspectives, listened to one another, and often debated from various view points. Open exchange among all members in attendance, not just commenting by a few, characterized most meetings. Decisions, such as those pertaining to the recommendations, were made by consensus. As part of the decision-making process, comments and insights from audience participants were encouraged and taken into consideration

Research

In order to better understand the problems and opportunities underlying the corrections system, the Committee's research focused on:

1. Identifying strengths and weaknesses of the system including stakeholders' "irritants."
2. Determining underlying causes behind deficiencies and identifying ways to capitalize on strengths.
3. Examining how other states are handling similar problems to see what solutions have been effective.
4. Learning what practices and strategies are shown to be effective through empirical data and expert observations and assessments.

In order to gather in-depth information on topics related to its work, the Committee requested presentations on a number of topics including the following (Please see Appendix D for complete list of studies and presentations):

- **Catastrophic Medical Insurance:** Unanticipated medical costs – specifically hospitalizations – wreak havoc on correctional budgets. Currently, many facilities are relying on MaineCare to pay for such costs. In exploring other payment resources, all county jails and MDOC were contacted to identify which, if any, agencies were using or were interested in pursuing catastrophic medical insurance.
- **Community Corrections Acts and Funding:** Study undertaken to examine how other states authorize and fund community corrections through their Community Corrections Acts.
- **Costs of Prisons & Jails:** Trend data was collected for the period 1997-2004 on total costs for Maine's county jails and prison facilities. Actual costs were presented for 2004, which highlighted cost drivers and per diem comparisons.
- **County Jail Capacities:** Based on daily population reports, data was collected and analyzed regarding average daily population and peaks outlining percentage growth. Rated capacities for individual county jails were identified.
- **County Jail Transportation:** All county jails were surveyed to determine the number and types of inmate transports conducted over a one year period to include associated costs. A detailed analysis of the aggregated data identified cost drivers related to transports.
- **Jail Administrators' Focus Group:** Jail administrators provide critical insights into irritants, challenges and opportunities for change within the correctional system. A focus group was conducted with jail representatives from 12 of the 16 counties on November 18, 2005.

- **Medical Services:** All 16 counties and the MDOC were surveyed, with follow up interviews conducted. There was a 100% participation rate. The survey focused on obtaining information regarding contracted versus non-contracted medical services, use and purchase of pharmaceuticals, medical staffing levels/patterns, utilization of telemedicine, cost drivers, regionalization opportunities, and healthcare priorities.
- **Population, Crimes and Trends:** Based on data from the “Crime in Maine” publication, Maine Administrative Office of the Courts, Corrections and Census Bureau, trends were identified in population age cohorts, 10 year crime trends, index crime change, arrest rates, incarceration rates, average jail populations, and corrections expenditure percentages.
- **Population Snapshot:** On October 27, 2005 all 16 counties conducted a snapshot profile of their respective jail populations according to status (pretrial or sentenced), crime class, gender, and length of stay. This enabled a detailed analysis of the aggregate data in order represent the average jail population.
- **Pretrial Procedures:** This study was authorized in order to help the Committee better understand pretrial populations and decision-making processes associated with those populations moving through the system. While the results of an initial assessment were available in early January, significant findings are not expected until the fall of 2006.
- **Prisons & Jails Projections:** In order to better understand future prison and jail populations, a study was conducted using trends analysis through the year 2020.
- **State & County Correctional System: Roles and Responsibilities:** Since 1975, the State and county correctional system has evolved due to the enactment of the new criminal code (1975), Community Corrections Act (1987), Federal Truth in Sentencing Act (1995), implementation of the Sentencing Commission recommendations (2004), among other things. This research helped the Committee understand the evolution of system roles and responsibilities.
- **Technology Initiatives:** Current initiatives and future opportunities for technological advancement within the correctional system were assessed. Both management information systems and use of telemedicine and/or videoconferencing capabilities were examined.

IV. Overview of Maine's Correctional System

Correctional Facilities

Maine consists of 16 counties covering 33,215 square miles with a population of 1,274,923. The State Capitol is centrally located in Augusta. According to 2004 data (US Bureau of Justice Statistics), the State ranks lowest (50th) in terms of its incarceration rate at 149 per 100,000 population, and ranks 45th in correctional spending per capita (US Census Bureau) at \$112.

Maine's Department of Corrections (MDOC) operates the State's prison system, which is responsible for the long-term incarceration of sentenced inmates, and is funded directly from the State budget. Individual counties operate the county jail system, which is responsible for holding pretrial defendants and short-term sentenced inmates (less than one year), and is funded primarily through property tax with additional State support provided through Maine's Community Corrections Act (CCA).

Within the State, there are 21 adult correctional facilities: MDOC operates 6 prison facilities with a combined rated capacity of 1785¹, and 15 out of 16 counties operate a jail with a total rated capacity of 1769 (Please see Appendix G for a map of facilities). There is a combined capacity of 3,554 adult beds throughout the State. 75% of the county jail capacity exists within five counties (Androscoggin-118, Cumberland-628, Kennebec-170, Penobscot-136, & York-286).

State facilities are located in:

- Warren
- Windham
- Hallowell
- Machiasport
- Charleston

County jail facilities are located in:

- Alfred
- Auburn
- Augusta
- Bangor
- Belfast
- Dover-Foxcroft
- Ellsworth

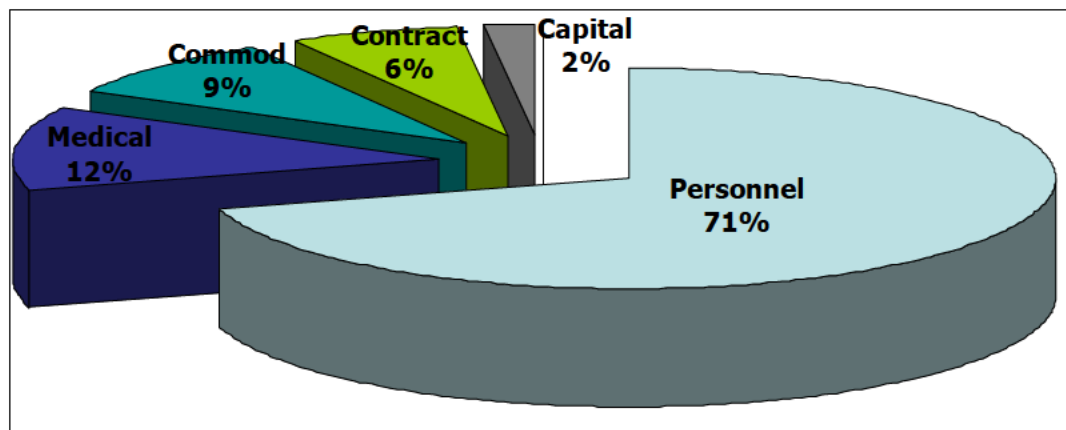
¹ The MDOC rated capacity is a dynamic number dependent upon the number of housing units actually being occupied based on legislative funding designated for housing unit staff.

- Farmington
- Houlton
- Machias
- Portland
- Rockland
- Skowhegan
- South Paris
- Wiscasset²

In the State system, females are housed at the Maine Correctional Center while all county jails house both male and female inmates.

A key step early in the study process was to look at current expenses for both State and county facilities. The data charted below presents a picture of high level cost components. Apart from personnel costs, medical and purchased commodities represent the two largest costs within prisons and jail facilities.

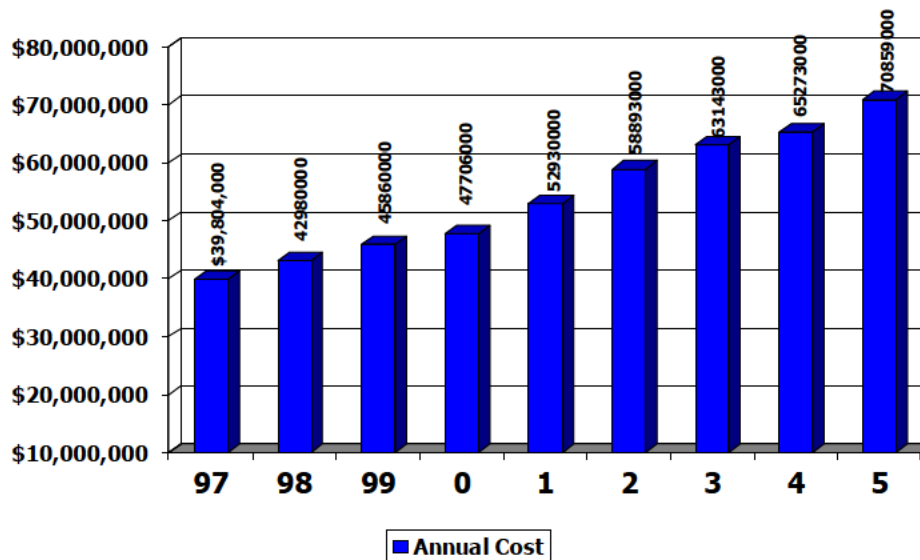
County Jail and Maine Department of Corrections Total Facility 2004 Annual Cost by Percentage



The MDOC facility budget (not including debt service) for 2005 totaled \$70,859,171; a 9% increase over 2004, and a 78% increase since 1997. Not including debt service, the 2004 average per diem cost was \$91/day.

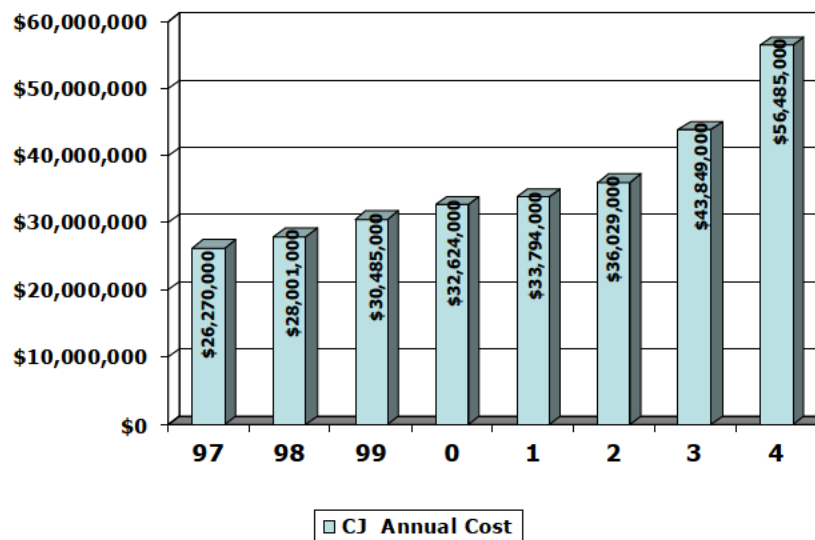
² The county jail located in Wiscasset is scheduled for closure when a new, larger regional jail, also located in Wiscasset, is opened in November 2006. The regional jail will add 129 beds to the system.

MDOC Adult Facilities Annual Cost 1997 - Present



Maine county jails' facility budgets (not including debt service) for 2004 totaled \$56,484,800; a 29% increase over 2003, and a 210% increase since 1997. The 2004 per diem cost (not including debt service) for county jails ranged from \$64/day to \$169/day and averaged \$95/day.

Annual County Jail Costs 1997-2004



As part of the Committee's research, members were provided with information regarding the effects of recidivism on prison costs. A conservative estimate of this effect suggests that a 1% increase or decrease in the State's recidivism rate (equated to an increase or

decrease of 35 inmates) contributes a corresponding increase or decrease of \$300,000 in operating costs.

Inmate Classification, Admission, and Population

Inmates serving sentences in MDOC and county jail facilities are assessed and classified according to security risk levels. Classification levels are as follows:

For MDOC facilities:

- | | |
|------------------------------|-----|
| • Special Need | 6% |
| • Close Security | 15% |
| • Medium Security | 34% |
| • Minimum Security/Community | 38% |
| • In Process | 7% |

For county jail facilities:

- | | |
|------------------------|-----|
| • Maximum/Special Need | 5% |
| • Medium Security | 51% |
| • Minimum Security | 44% |

The classifications of MDOC and jail inmates are consistent with national averages.

Over the past 20 years, Maine's prison and jail facilities have experience significant growth even though its incarceration rate is the lowest in the nation.

Since 1990, admissions to MDOC facilities have increased by more than 57%, from 580 to 1020 admissions annually. This increase serves as a major component in the department's 71% growth in its facilities' average daily population. Over the same period, admissions to county jails have increased 42%, from 30,743 to 43,519 admissions annually with a 173% growth in the jails' average daily population. The average length of stay for inmates in jails has doubled, from 7 days in 1990 to 14 days in 2004. Of admissions to jails, 60% are due to violation of probation. Of those offenders residing in jail, 60% are pretrial and 40% are serving sentences.

Probation Services

In addition to incarceration, the MDOC provides probation services. Probation is a court-ordered sanction of community supervision with specified conditions for a determinant period of time that cannot exceed the maximum sentence for the offense. It is imposed on an adjudicated offender who is placed under supervision in lieu of or subsequent to incarceration, with a requirement to comply with certain standards of conduct. The probationer is required to abide by all conditions ordered by the court. Violation of these conditions may result in revocation by the court and imposition of the underlying sentence which was imposed at the time the offender was sentenced to probation.

Nationally, more than 2,000 probation agencies supervise an estimated 3.2 million offenders. The average number of adult offenders under supervision in Maine is 7,300.

Maine's adult probation services are divided into 4 regions (by county) with numerous sub-offices located throughout the state.

Region 1

Cumberland & York

Region 3

Somerset, Franklin, Kennebec & Knox

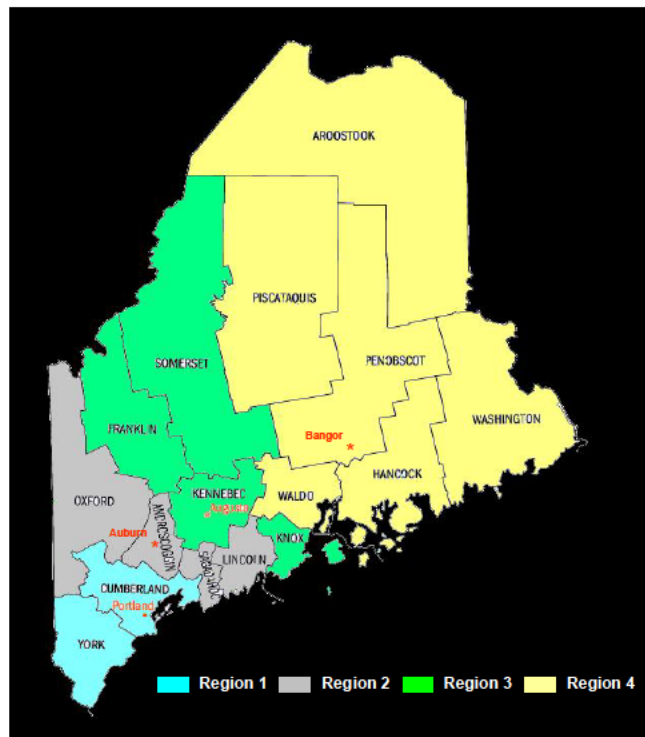
Region 2

Oxford, Androscoggin, Sagadahoc & Lincoln

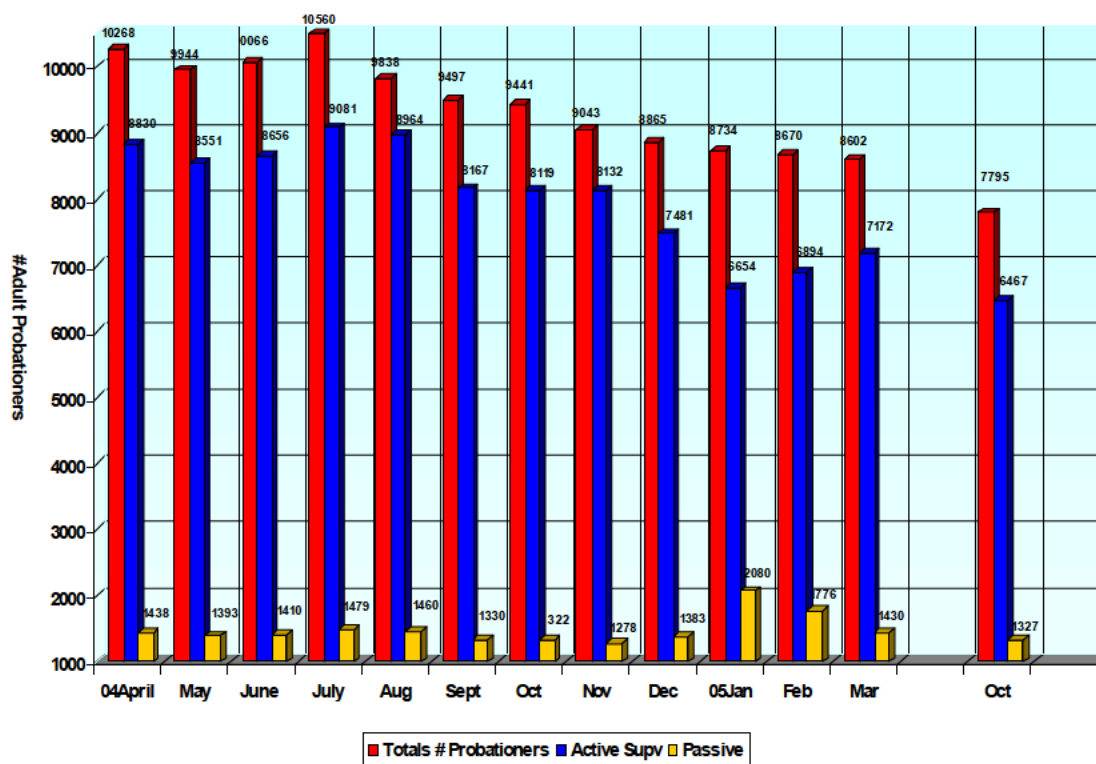
Region 4

Aroostook, Piscataquis, Penobscot, Washington, Hancock & Waldo

Probation by Region



Maine Department of Corrections
Adult Community Probation Population
 April 2004 to April 2005 / October 2005



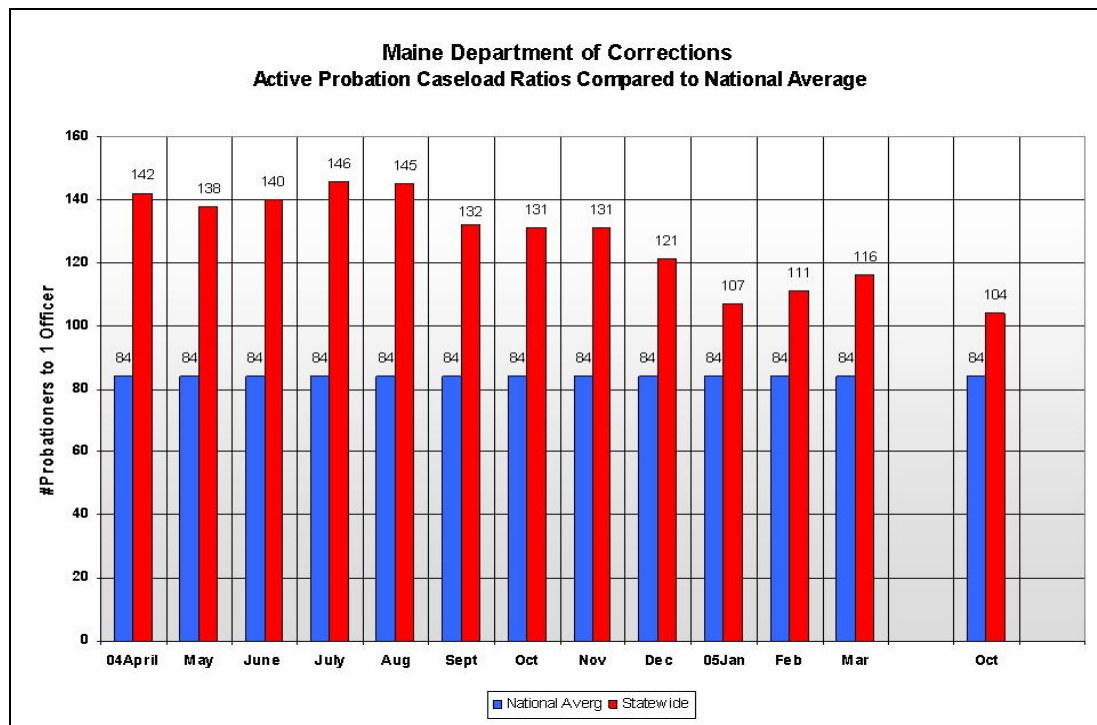
With the implementation of recommendations by the Sentencing Commission, the total number of probationers has dropped from 10,268 in April 2004, to 7,705 in October 2005. Of the 7,795 probationers, 6,467 are under the active supervision of a probation officer.

In October 2004, the risk levels of probationers being supervised were:

- Maximum: 42 probationers
- High: 854 probationers
- Moderate: 4,802 probationers
- Administrative: 1,139 probationers
- Unclassified: 962 probationers

The average active probation caseload has dropped from 142 in April 2004 to 104 in October 2005. The average active probation caseload of 104 per probation officer is well above the national average of 84 cases per probation officer.

The chart below shows above average but dropping active probation caseloads.



While problems such as the high caseloads for officers persist, recent legislative changes may be having positive effects.

Courts-Judicial System

As in most states, Maine's correctional system has traditionally been regarded as the loose and sometimes challenging affiliation between county jails and State prison operations. In truth, law enforcement, the judiciary, district attorneys, the defense bar, and the nonprofit sector are all interwoven into the workings of corrections; they influence policy and practice and have vested interests in what jails and prisons do.

The Judicial Branch, in particular, plays an important part in Maine's correctional system not only because its decisions determine the number and length of admissions but because the manner in which cases are processed affect average length of jail stay and the use and availability of beds.

The State's trial Court System is comprised of superior and district courts with 16 justices assigned to 17 superior courts and 33 judges assigned to 29 district courts.

In FY03 there were 12,015 criminal filings for adult criminal matters in the superior court, an annual 13% average increase over the 8,636 filings in FY00. In district court there were 61,862 criminal filings in FY04 compared to 59,657 in FY03, a 4% annual increase.

For the period of January 1, 2005, to September 30, 2005, the clearance rate in superior court was 99.2% and 96.5 % in the district court. The term "clearance rate" is the ratio of case dispositions to case filings for the specified period.

The Courts regularly employ alternative sentencing approaches when resources are available. During the period of July 30, 2004, to July 30, 2005, administrative release was used in 126 cases and deferred disposition in 389 cases as well as offenders participating in adult drug treatment courts. In both cases, the offender is sentenced to an underlying sentence that is suspended. The offender is then released into the community with conditions that must be met for a specified period of time. Should the offender violate any of the conditions, s/he is subject to having the original sentence imposed. If they successfully complete the period of time and meet all conditions, the original case may be dismissed with prejudice in deferred disposition cases; in administrative release cases, no further action is taken.

In regards to judicial resources, Maine's court system ranks last (50th) in the United States with 7.4 judicial FTE's per 10,000 (New Jersey ranks first with 25.7 FTE's).

Because of limited resources, Maine's Judicial Branch has established the following priorities by which court responsibilities will be managed:

- **Emergencies** involving personal safety, first appearances for incarcerated persons, children's matters, temporary restraining orders, and permanent protection orders.
- **Family Matters** involving child protection, parental rights and responsibilities, juvenile matters, and child welfare matters.
- **Criminal Matters** involving persons incarcerated pending criminal trials, cases involving sensitive victim issues, establishment of bail and motions to modify bail, and criminal cases in accordance with constitutional and statutory requirements.
- **Other Statutory Mandates** as established by the Legislature.

In addition, the Judicial Resource Team was created by the Supreme Judicial Court in September, 2002, to "assess the workload and judicial resources of Maine's trial courts and generate a new model for scheduling courts and allocating judicial resources" in order to maximize resources. As a result of this team's work, which is outlined in its 2003 report available on the Judicial Branch website and summarized in part below, Maine's courts will begin operating under a new scheduling model during 2006 focusing on four areas:

- Regional Structure
- Objective Measures
- Consolidation
- Event Certainty

In this report, “judicial resource” refers to judges, family law magistrates, clerks, court security, facilities, and other assets.

Characteristics of the courts’ new system include the following:

- Integrated system
- Regional structure
- Objective measures
- Consolidation to increase efficiency
- Event Certainty

Integrated system: Maine’s district and superior courts will operate as constituent parts of an integrated system of case scheduling and judicial resource allocation based on a regional structure. Specified judges in the superior and district courts in each of the 8 regions, in consultation with court clerks and judicial administrators, will be responsible for scheduling conferences, hearings, trials, and other court events in order to minimize conflicts and continuances. To enhance hearing certainty, shared dockets will be consolidated, trailing dockets will be coordinated to allow for judicial assistance between courts, cross-assignment of judges and clerks will occur to address priorities and delays, and collaboration between courts will be improved to promote innovation.

Regional structure: The Court System will be structured around 8 regions:

Region I

Superior Courts: York County

District Courts: Biddeford, Springvale, York

Region II

Superior Courts: Cumberland County

District Courts: Portland, Bridgton

Region III

Superior Courts: Androscoggin, Franklin, Oxford Counties

District Courts: Lewiston, Farmington, South Paris, Rumford

Region IV

Superior Courts: Kennebec, Somerset Counties

District Courts: Augusta, Waterville, Skowhegan

Region V

Superior Courts: Penobscot, Piscataquis Counties

District Courts: Bangor, Lincoln, Millinocket, Newport, Dover-Foxcroft

Region VI

Superior Courts: Knox, Lincoln, Sagadahoc, Waldo Counties

District Courts: Rockland, Wiscasset, West Bath, Belfast

Region VII

Superior Courts: Hancock, Washington Counties

District Courts: Ellsworth, Machias, Calais

Region VIII

Superior Courts: Aroostook County

District Courts: Caribou, Fort Kent, Houlton, Madawaska, Presque Isle

Objective measures: Dockets will be scheduled and resources allocated based on established case completion measures for different major case types, statutory deadlines, and the priorities established by the Supreme Judicial Court. In addition, case completion standards will be based on national standards; priority dockets will receive the greatest scrutiny for compliance with national standards; measures will include time to disposition, ratio of case dispositions to filings, age of pending caseload and certainty of trial dates; quarterly reports will address system-wide issues.

Consolidation to increase efficiency: The responsibilities between the trial courts and among the courts within a region will be consolidated to increase efficiency. The unnecessary duplication of judicial and clerical effort will be eliminated to increase efficiency.

Event Certainty: Case and trial management practices will be designed and implemented to achieve event certainty; that is, to the maximum extent possible, every scheduled case event will occur as scheduled. There is a strong correlation between court events occurring as scheduled and the promotion of earlier and less costly case dispositions. The revised judicial branch continuance policy will be more strict and consistent than in the past and will include lawyers for the day in district court. Scheduling will be computerized.

In addition to the initiatives outlined above, the judicial branch has instituted a number of post-plea problem-solving courts for adult and juvenile offenders as well as child protective cases in order to use the authority of the court and enhanced services to hold individuals accountable for their pro-social conduct and recovery from substance abuse.

Pretrial Population & Services

Currently, two organizations provide pretrial services in 12 of Maine's 16 counties, Maine Pretrial Services and Volunteers of America Northern New England (VOANNE). Counties with pretrial services include:

- Androscoggin
- Aroostook
- Cumberland
- Kennebec
- Knox
- Lincoln
- Oxford

- Penobscot
- Sagadahoc
- Waldo
- Washington
- York

Maine Pretrial Services served 745 pretrial clients (in 2004) and VOANNE served 213 (in 2005) or approximately 2.3% of the arrested population.

Pretrial service organizations provide pre- and post-arraignment screening, assessment, bail recommendations, conditioned release and supervision for pretrial detainees with an emphasis placed on community safety and return to court for disposition of cases. Services begin with a review of the entire jail population to determine those eligible for pretrial release and to prioritize preparation for bail hearings. Interviews are held for eligible detainees and those for whom a request has been made by attorneys, jail administration, family, friends or self referrals.

Case managers identify services in the community that will enhance community safety and ensure appearance at trial. These services include substance abuse services, mental health evaluation/treatment, domestic violence interventions, housing and employment assistance, sex offender education, random drug testing, random home visits accompanied by local law enforcement, and random employment visits. Violations of pretrial conditions are promptly reported to the court in writing. Compliance is verified and summarized for the court at time of case disposition. Success or failure during pretrial service involvement is a good predictor of future compliance with probation and early release programs.

The decision whether to release or detain a defendant pending trial, and under what appropriate release conditions, is the first assessment in the criminal justice system and plays a crucial role in the entire criminal justice process. The decision to release or detain a defendant is based on the risk posed by the defendant of failing to appear in court or otherwise disrupting the integrity of the judicial system and community safety. There are over 40,000 bail decisions made annually in Maine. These decisions have far reaching effects on the criminal justice system, community and system resources, community safety, and the defendant.

Despite the benefit of pretrial services to the system, the community, and the defendant, the availability of these services in Maine do not consistently follow national standards including those listed below:

- Program should investigate all persons arrested on criminal charges, not just those the program believes will obtain release.
- The investigation of all arrested should take place before the initial appearance in court.
- An assessment of risk of failure to appear in court and danger to the community should be made through the use of an objective instrument that can be evaluated for its validity.

- Sufficient supervision options that address the range of identified risks should be provided.

V. Trends and Issues

The Committee was faced with working through a range of data and analysis that would provide a foundation for their recommendations. The findings that emerged from the research include the following:

1. A primary cost-driver in the State's system is the increasing number of inmates.
2. This increase is occurring primarily because of policies and practices within the system not by outside forces such as rising crime rates.
3. Considering the State's current supply of prison and jail space, the continuation of present policies and practices will soon necessitate increased spending for physical structures.
4. The change in types of crimes and the demographics of offenders is requiring new methods and additional resources.
5. Pretrial defendants' average length of stay along with probation revocations are driving costs and the use of jail bed space.
6. The best way to reduce these costs is by viewing the system as a single entity and making the entire criminal justice system more effective using evidence-based policy and practice.
7. Technology and coordinated service delivery, when used appropriately, can make Maine's system more efficient.
8. Outcome-focused policy and funding mechanisms, including the redesign of the State's Community Corrections Act, can encourage best practices.
9. On-going leadership and system-wide change management is needed to facilitate the system-wide cost-benefits associated with cooperative planning, purchasing, networking, and implementation of effective and efficient policy and practice.

Data and analysis related to each of these findings are provided below.

1. A primary cost-driver in the State's system is the increasing number of inmates.

Maine Adult Correctional Facilities (MDOC) and county jails have experienced significant growth over the past 20 years (1985 to 2004) even as Maine has the distinction of having the lowest incarceration rate in the nation.

Admissions to MDOC facilities have increased by more than 57% for the period 1990 to 2004 (580 to 1020 admissions annually) and the average daily population has

grown by 71% (1180 to 2008), Increased admissions to MDOC facilities continues to be the major factor contributing to the department's growth in its facilities' average daily population and need for additional beds.

Admissions to county jails have increased by 42% (from 30,743 admissions annually in 1990 to 43,519 in 2004). This increase reflects an additional 13,200 new admissions each year. For every inmate admitted to a jail to serve a sentence, 7 inmates are admitted for pretrial detention. (1 sentenced to 7 pretrial)

The average daily population for jails during the period 1985 - 2004 has grown by 173% (568 to 1586).

The average length of stay for all inmates admitted to county jails has increased by 100% from 7 days in 1990 to 14 days in 2004. As a result, inmates are spending twice the number of days in jail today then in 1990.

On average, a single county jail bed in Maine became available for occupancy approximately 52 times throughout the year in 1990. The same bed in 2004 is now available for occupancy only 26 times, resulting in a 100% reduction in available bed capacity.

2. The increase in the number of inmates is occurring primarily because of policies and practices within the system not by outside forces such as rising crime rates.

During the past 10 years, Maine has experienced a 17% decline in violent and property crimes.

Maine census data identifies a declining general population at-risk group (ages 15 to 44, the ages most commonly associated with criminal behavior.) Based upon a census population of 529,738 for this age group, census population forecasts project a 4% decline by 2010 (508,572), a 7% decline by year 2020 (491,955), and a 14.5% decline by year 2030 (452,744) in Maine's at-risk population.

Despite Maine's declining at-risk population and overall decline in arrest rates, Maine's correctional population continues to grow. This growth can be attributed to increased admissions to jail, probation revocations, and average lengths of stay.

60% of admissions to MDOC facilities are for probation revocations, 36% are new court commitments, and 4% for other reasons (safe keepers, transfers from other states, etc.).

3. Considering the State's current supply of prison and jail space, the continuation of present policies and practices will soon necessitate increased spending for physical structures.

MDOC facilities have a rated American Correctional Association (ACA) capacity of 1747 beds. Based on the average daily population of 2045 in the year 2004, MDOC

facilities have a shortfall of 298 beds in meeting its existing demand for beds. If existing population trends and practices do not change, this bed deficit is projected to grow at an average rate of 25 beds per year.

County jails have a combined rated capacity of 1769 beds. Based on a state-wide average daily population of 1586 in the year 2005, county jails' bed needs are at or just exceeding existing demand. However, on an individual county basis, 10 of the 16 counties are not meeting their individual county bed demands and are boarding the population in excess of their capacity in those county facilities where a surplus of beds exist. With additional beds being added in Lincoln/Sagadahoc and Somerset counties, total county jail bed capacity will be 1940 beds, which is projected to meet overall bed demands until the year 2012.

Findings from a forecasting study authorized by the Committee in fall 2005 (conducted by Rod Miller of CRS, Inc.) indicate that the number of those incarcerated will significantly increase over the next 15 years even though the at-risk population (youth/young adults) is declining. The following outlines the key findings assuming current population trends and practices continue:

- MDOC adult facility populations are projected to grow at a rate of approximately 1.3%, (+27 inmates) in each year reaching an average daily population of 2,443 (+400 inmates) in the year 2020. Based on these projections, MDOC could face a 697 bed deficit by the year 2020 based on MDOC's present rated ACA capacity of 1,747 beds.
- County jails are projected to grow at a rate of approximately 3.7%, (+62 inmates) in each year reaching an average daily population of 2,516 (+930 inmates) in the year 2020. Based on these projections, county jails will begin to experience a system-wide bed deficit in the year 2012 peaking in the Year 2020 with a bed deficit of 576 based on a system-wide rated capacity of 1940 beds.
- The combined MDOC facilities and county jails average daily population is projected to increase by 1330 inmates by the Year 2015 resulting in a system-wide deficit of 1,273 beds.
- The potential 20% to 60% increase in prison and jail populations, reflected in the projections above, is the result of policies and sentencing practices that, if not changed in accordance with a whole system perspective, will drive costs associated with maintaining system operation. Analysis makes it clear that Maine's county and state inmate populations are largely policy driven. It is not just the policies set at the state level by the Legislature that drive the inmate populations, but local policies and practices as well.

During the end of 2005, both MDOC and county jail facilities experienced stabilizing and a slight decrease in their average daily populations for the first time in the past 10 years. MDOC facilities fell from an average daily population of 2046 in 2004, to 1992 in 2005. This change in average daily population is attributed to the implementation of the Sentencing Commission's recommendations in 2004, which

increased the number of good time days an inmate could earn monthly, increased use of supervised community confinement, and limited the use of probation for only certain Class D and E offenses. If the full impact of the Sentencing Commission's recommendations is realized, the system-wide bed deficit projection above would be reduced from 1273 beds in the year 2020 to approximately 910 beds.

Population Projections Summary³

(ADP = Average Daily Population)

Year	State DOC Inmates			Total County Jail Inmates	
	Model #1 Total ADP Projected Using 1990+ data	Model #2 Total ADP Projected Using 1998+ data	Model #3 Total ADP Projected Using 2000+ data	County Model 1 Total ADP Projected Using 1990-2004 data	County Model 2 Total ADP Projected Using 1998+ data
2006	2,044	2,104	2,103	1,465	1,586
2007	2,069	2,195	2,197	1,515	1,659
2008	2,096	2,266	2,272	1,564	1,729
2009	2,122	2,332	2,340	1,612	1,798
2010	2,149	2,396	2,406	1,660	1,867
2011	2,178	2,461	2,473	1,708	1,936
2012	2,206	2,524	2,538	1,756	2,005
2013	2,235	2,588	2,604	1,804	2,073
2014	2,264	2,651	2,669	1,852	2,142
2015	2,293	2,715	2,735	1,900	2,211
2016	2,323	2,778	2,800	1,948	2,280
2017	2,353	2,842	2,866	1,996	2,349
2018	2,382	2,906	2,931	2,044	2,418
2019	2,412	2,969	2,997	2,092	2,487
2020	2,443	3,033	3,062	2,112	2,516

³ *Times Series Model.* A time series modeling technique was used for these projections. The findings varied based on how many years CRS, Inc "looked back" for experience to inform the projections. The projections are the product of a time series analysis of the "net" inmate population for two or three different time frames:

- County Model 1: 1990 - 2004
- County Model 2: 1998 - 2005
- State Model 1: 1990 - 2005
- State Model 2: 1998 - 2005
- State Model 3: 2000 - 2005

For each time frame, the SPSS (Statistical Package for the Social Sciences) auto-regression process was used. The auto-regression procedure corrects for correlated error, and allows proper interpretation of significance and R-squared statistics associated with time series regression models.

4. The change in types of crimes and the demographics of offenders is requiring new methods and additional resources.

Over the past 10 years, drug arrests were up 68%, and domestic violence up 31%. Additionally, arrest of female offenders increased by 62%.

MDOC facilities average daily male population has grown by 66% (1141 to 1892) while its female population has grown 200% (39 to 117) for the same period.

The average daily male population for county jails has grown by 171% (529 to 1435) while the female population has grown by 669% (26 to 200) for the same period.

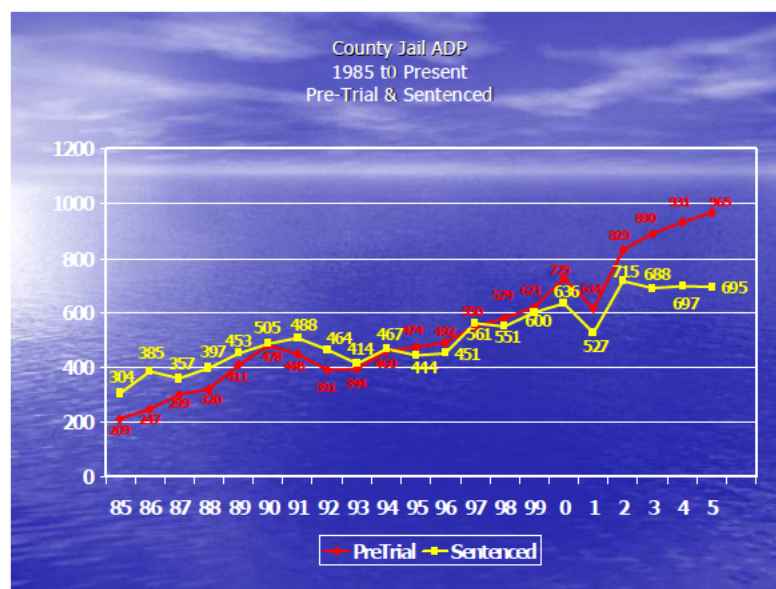
5. Pretrial defendants' average length of stay along with probation revocations are driving costs and the use of jail bed space.

Pretrial:

Prior to 1993, the majority of county jail populations were made up of short-term sentenced inmates, 60% sentenced and 40% pretrial. In 1993 county jail populations began to shift to a predominately pretrial population. In 2004 and 2005, this pretrial population made up 60% of county jail average daily populations.

Based on a snapshot survey (October 27, 2005), the overall average length of stay for pretrial offenders in Maine county jails was 65 days, more than three times the national average length of stay for pretrial offenders.

The percentage of pretrial defendants reflects a 20% increase in the pretrial population over the past 20 years.



Maine Pretrial Services served 745 pretrial clients (in 2004) and VOANNE served 213 (in 2005) or approximately 2.3% of the arrested population.

Currently, there is limited Maine-specific data available regarding the pretrial populations' risk and need characteristics, local systems' approaches to pretrial release, and underlying causes associated with the 65 day average length of stay identified through the snapshot survey mentioned earlier.

Long periods of incarceration for pretrial offenders places a significant burden on the system, driving costs up considerably. Since 1994, county jails have seen the profile of the jail population change from a predominately sentenced population to a primarily pretrial population (currently 60%).

Probation Revocation:

60% (610) of all new admissions to MDOC facilities are the result of a violation of probation. About 45% of these admissions are for technical violations and 55% are for a probation violation in conjunction with a new criminal offense.

In county jails, about 42% of the average daily sentenced population or 266 inmates are serving sentences for a violation of probation.

30 % of the county jails' average daily pretrial population is being held for an alleged violation of probation or an alleged probation violation in conjunction with a new criminal offense.

The average length of stay for probationers being held in a county jail pending an initial court appearance is 12 days. About 60% of these probationers are released from jail after their initial court appearance.

A large portion of Maine's correctional population is serving sentences on the installment plan as a result of split sentencing practices. While the policy of split sentencing seeks to place offenders in the community on probation for a portion of their sentence, offenders are often required to return to jail or prison to complete their full sentence frequently as a result of technical rather than criminal violations.

The courts regularly employ alternative sentencing approaches when resources are available. During the period of July 30, 2004, to July 30, 2005, administrative release was used in 126 cases and deferred disposition in 389 cases as well as offenders participating in adult drug treatment courts. In both cases, the offender is sentenced to an underlying sentence that is suspended. The offender is then released into the community with conditions that must be met for a specified period of time. Should the offender violate any of the conditions, s/he is subject to having the original sentence imposed. If s/he successfully complete the period of time and meet all conditions, the original case may be dismissed with prejudice in deferred disposition cases; in administrative release cases, no further action is taken. Despite the availability of alternative sentencing, community-based programs that assist offenders in successfully staying in the community are limited and not consistently available throughout the State. In FY03 there were 12,015 criminal filings for adult criminal matters in the superior court, an annual 13% average increase over the 8,636 filings in

FY00. In district court there were 61,862 criminal filings in FY04 compared to 59,657 in FY03, a 4% annual increase.

The decision whether to release or detain a defendant pending trial and under what appropriate release conditions is the first assessment of risk and need in the criminal justice system and plays a crucial role in the entire criminal justice process. The decision to release or detain a defendant is based on the risk posed by the defendant of failing to appear in court or otherwise disrupting the integrity of the judicial system and community safety. There are over 40,000 bail decisions made annually in Maine. These decisions have far reaching effects on the criminal justice system, community and system resources, community safety, and the defendant. Much can be gained through the use of methods that assure the appearance of the defendant and do not involve incarceration while promoting the integrity of the judicial process.

6. The best way to reduce these costs is by viewing the system as a single entity and making the entire criminal justice system more effective using evidence-based policy and practices.

An evidence-based approach is a set of research-based policies and practices designed to reduce recidivism. The idea behind this approach is that successful correctional practices are grounded in empirical data and research—that is, practices that evidence shows are effective in changing behavior—rather than tradition, intuition, or purely speculative theories. (Please see Appendix E for a detailed discussion on importance of evidence-based practices).

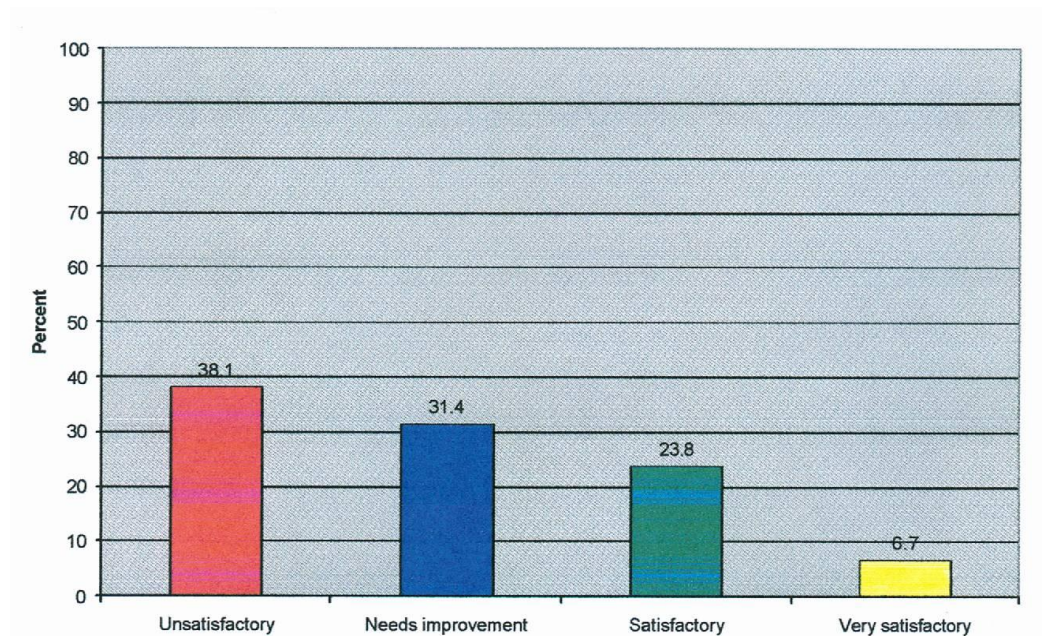
Maine's Commission to Improve the Sentencing, Supervision, Management, and Incarceration of Prisoners recognized the need to identify agencies and programs across the state providing services to its offender population and to assess the quality of services being offered. Such information was intended to highlight gaps in the menu of services for different types of offenders and point to areas of service delivery in need of improvement, expansion, or more effective coordination.

Findings of a study of Maine's offender programs conducted in 2004 (by Edward J. Latessa, Ph.D. and Lisa M. Spruance, M.S. of the University of Cincinnati) include the following:

- The quality of more than half of Maine's offender programs (69.5%) were rated as unsatisfactory or needing improvement.
- Many of the programs that responded to the survey do not design their services based on an adequate number or range of offenders' characteristics or circumstances that relate to recidivism.
- While some of the programs in Maine employ cognitive interventions, most programs use approaches and interventions that have not demonstrated effectiveness in reducing criminal behavior and recidivism.
- The composition of treatment groups and service delivery efforts are often deficient.

- Programs tend to not use rewards and punishment skillfully, do not use role plays regularly for practicing new skills, do not teach relapse prevention concepts and techniques and do not use a structured treatment curriculum.
- Many programs do not work with offenders' families, not of sufficient duration, and have inadequate aftercare services.
- While programs appear to have well qualified, experienced and involved leadership, the one major weakness in program implementation is funding. However, any increases in funding would need to be linked to performance measures and improvement of program quality.
- Overall, programs in Maine are lacking in evaluation efforts and adequate quality assurance mechanisms. Offender change as a result of program interventions and post-program recidivism is not monitored.

Overall Program Quality for All Programs



This study's recommendations for strengthening Maine's offender programming include the following:

- Valid offender assessment data should be more widely available and shared among all system components providing services
- Training in the use and application of this data should be extended to all service providers.
- Uniform case planning should be tied to assessments that are developed for use by all service providers that work with an offender population.
- Programs should increase the criminogenic targets for change: 80% of program targets and interventions should be focused on crime-producing

needs such as criminal peer groups, procriminal attitudes, and cognitive skill deficits such as problem-solving and consequential thinking.

- Treatment intensity should be clearly matched to offenders' level of risk as measured by a standardized and objective assessment process. Higher risk offenders should receive more intense levels of treatment and should not be grouped with or exposed to low risk offenders, offenders not in treatment, or non-offenders.
- Training for staff, along with clinical supervision, needs to be substantially increased. All staff working with offenders should receive formal training in the theory and practice of interventions employed by the program.
- Quality assurance mechanisms, including file reviews and problem-oriented records that monitor offenders' progress, should be implemented
- To determine whether interventions are achieving their goals of reducing offenders' criminogenic needs, programs should measure offender change in an objective manner such as pre- and post-testing of offenders. It is through the reduction and elimination of risk factors that recidivism decreases.
- Programs for offenders should collect data on post-treatment recidivism. Recidivism data should ideally be collected on similar offenders who do not receive the interventions in order to determine whether the treated offenders engage in less criminal behavior than a comparison group.

In response to these recommendations, MDOC's Community Corrections Division (probation) has been involved in strategic planning, extensive training, and implementation strategies. While MDOC is just one component of the system, opportunities exist to promote evidence-based practices system-wide.

7. Technology and coordinated service delivery, when used appropriately, can make Maine's system more efficient.

While not a cure-all, technology can increase efficiencies, reduce costs and improve practice within Maine's correctional system.

Technology, as a short term and long term strategy, can benefit Maine's correctional system in two ways: 1) by establishing an integrated management system to more effectively manage, share, and update information between and among State and county systems, 2) by providing greater and more cost effective access to services through videoconferencing.

Coordinated service delivery between and among State and county providers can promote cost effectiveness and economies of scale by leveraging combined resources and opportunities.

Transportation and medical care service are two areas of immediate opportunity for reducing cost and increasing efficiency through coordination

Integrated Management Information System:

Effective management without an effective and efficient management information system is difficult. Consistent and reliable data across all components of the correctional system helps decision-makers assess current and past practices and policies, project trends, and test the impact of potential solutions before they're implemented. This ability is crucial in helping the corrections system improve efficiency and effectiveness. Not only do management information systems "hold" data and make data available when needed, they also help drive consistent, evidence-based practices and procedures that lead to improved results.

Maine currently has a number of information systems related to corrections. These systems are used for tracking public safety incidents, individuals who move through the system, as well as data related to costs, services, criminal justice decision making, and overall system performance.

While the MDOC has invested in the CORIS system, other jurisdictions have invested in a range of systems that help address local needs. Local jail systems range from simple stand-alone systems to very sophisticated ones that tightly integrate information between the sheriff's office and local public safety departments including police, emergency medical services, and fire. These more sophisticated systems include records management as well as software for managing the day-to-day operations of jails, law enforcement, dispatching, investigations, the 911 system, and personnel. Some local systems also have connectivity with the court's information management system (i.e., bail information).

Because of the different goals of these systems, different means of recording information, and different operating systems, only a few of them can communicate with one another or with the MDOC's **CORrections Information System (CORIS)**.

The **CORIS (CORrections Information System)** system is a fully integrated, web-based MIS system designed to manage all aspects of MDOC data, which was implemented in November 2003. It has extensive operational and reporting functionality that includes: adult and juvenile facilities, adult and juvenile community services, and central office administration. It is a centralized database with risk management application, is statute compliant, provides automated sentence and good time calculations, flags DNA and sexual offender requirements, uses Maine's offense table, and adheres to data standards. Future **CORIS** enhancements that are anticipated include:

- County jail module/application
- Inmate phone system
- Public website (offender search)
- Client financials
- Grievance
- Visitation
- Discipline

- Daily schedule
- Medical records

MDOC is currently working with Knox County Jail to adopt CORIS as its jail management application.

CORIS is being deployed in the Virginia and New Hampshire Department of Corrections, creating partnering opportunities in areas such as medical records.

Videoconferencing:

Videoconferencing technology offers the ability to communicate with simultaneous audio and video across distances, and is already in use by the state correctional system and two county jails. Applications include medical care, social service, education, and legal. For example, this technology allows a hearing to take place between a judge in one locality and a mental health patient hospitalized in another.

Because of the effectiveness and efficiency of this technology, the Maine Telehealth Network currently has 280 videoconference sites located in hospitals, social service organizations, state government facilities, and educational institutions. Out of Maine's 42 hospitals, 38 are currently equipped with videoconferencing technology. In addition, 8 MDOC facilities and two jails are also equipped.

This technology helps addresses the barriers caused by long travel distance, poor road conditions, and limited access to services, especially within more rural areas. Historically, correctional settings have served as an ideal setting for this application and a number of studies have shown the cost benefits of using this technology broadly.

A project sponsored by the Maine's Judicial Branch and currently underway is working to enable court houses within all counties to utilize videoconferencing for a range of proceedings. In 2003, the Maine Judicial Resource Team identified videoconferencing as a way to overcome the large geographic distance between courts and other state/county organizations. As a result, bond funds were authorized to install videoconference technology throughout Maine's courts. After one year of systematic planning, the project expects to increase efficiencies between the courts, state corrections and county agencies (*i.e.* jails). The major applications selected for systematic interagency efforts are adult video arraignments and mental health hearings. These applications were identified as a priority in a number of counties by the Judicial Video Committee based on driving distances, number of arraignments and the perceived willingness of all stakeholders to participate in the project.

The Maine Judicial Video project has been divided into a pilot phase and three subsequent implementation phases. To date, Portland and Lewiston are successfully completing mental health hearings by videoconference. District and superior courts in Aroostook, Kennebec, and York counties have been identified as high priority sites to implement video arraignment; video arraignments in Kennebec County began in

January 2006. Additional counties will develop capacity for video arraignments and mental health hearings based on need and feasibility. Development and implementation of the project is scheduled to be completed by April 2007.

Other case-related uses of videoconferencing will be explored in targeted pilot work during implementation. Such uses include:

- Other pretrial proceedings (*i.e.*, probation revocations, protection from abuse orders)
- Distant witness testimony – expert, victim; civil and criminal cases
Non-courtroom case related uses
- Attorney access to incarcerated clients
- Continuing education
- Case management and mediation

Transportation Services:

The scheduling of court hearings for those under the custody of local jails occurs without consistently effective coordination between the courts and jails. As a result, staffs of county jails are regularly required to transport defendants to court hearings when the hearings are subsequently dismissed, postponed, canceled and/or scheduled with insufficient notice. There are signs of improvement in this regard. For example, in Cumberland County the cases of all persons incarcerated at the county jail are coordinated on one single docket and seen at the same time in a specific courtroom. Reasons for these changes in scheduling are frequently associated with matters related to client due process, docket management practices, and insufficient judicial resources. It is the latter of these two issues--docket management and insufficient judicial resources – that have been associated with the overall demand on staff and transportation resources and the shifting of substantial and problematic costs to localities. In addition to transportation and security costs, sudden changes in court schedules have been associated with a safety hazard occurring as a result of staff overtime hours impinging upon minimum hours of rest required to perform duties in a safe and effective manner.

As a result of the Judicial Branch's recognition of problems associated with court scheduling, judicial management has now begun implementation of new scheduling initiatives based on a policy of "event certainty:" when hearings are scheduled, they are to occur. At this time, jail staffs are unaware of how this new initiative will affect their resources.

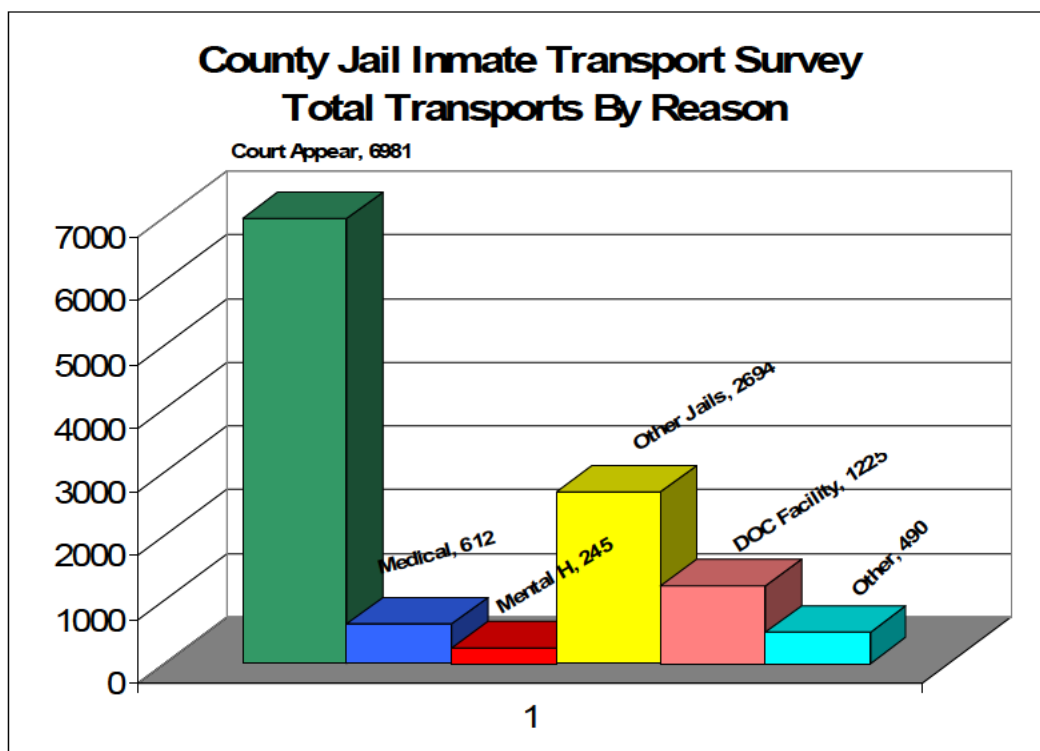
Based upon transportation data gathered from a 2005 survey with a 63% response rate, 12,247 transports moving 21,415 inmates are conducted over a 12 month period. Each transport averages 86 miles, with total mileage estimated at 1,048,000 miles. Many jails are co-located with the courts, and the number of inmate escorts from the jail to the court is not included in the survey estimates.

Annual costs for inmate transports are estimated at \$1,530,000: \$420,000 for transport expenses and \$1,110,000 for personnel expenses. Neither estimate includes costs for meals and lodging.

Inmate transports are conducted for the following reasons:

- Court appearance (6,981 transports)
- Medical services (612 transports)
- Mental health services (245 transports)
- To other jails (2,694 transports)
- To MDOC facilities (1,225 transports)
- Other (490 transports)

74% of court appearances are for initial appearance.



Medical Care Services:

As it is everywhere, the cost of healthcare for Maine's correctional system has risen dramatically and continues to do so. In 2004, Maine spent \$127,343,971 (not including debt service of \$12,746,827) to operate its prisons and county jails. Of that, 12%, or \$15,342,320, was spent for medical services with the State spending \$10,127,320 and county jails spending \$5,215,000.

All 16 counties and state prison facilities contract for medical and psychiatric services. Contracted healthcare services are provided in each facility by an

organization specializing in correctional healthcare (locally- or nationally-based), a local hospital or an individual healthcare provider.

In responding to a medical survey distributed by the Committee's project management team, county jails identified the following cost drivers:

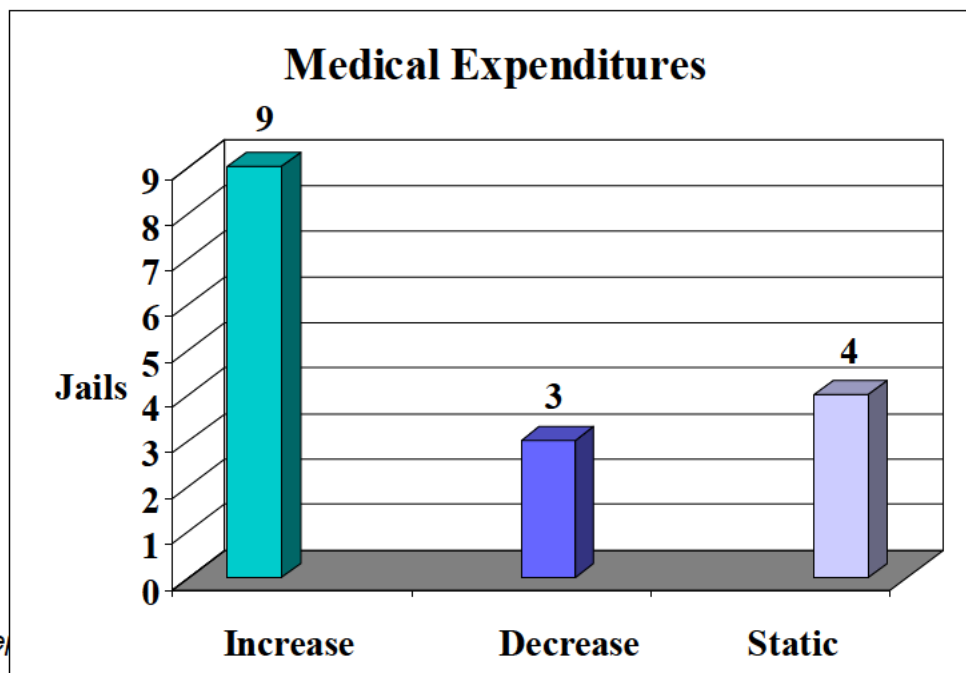
- Cost of medication
- In-patient hospitalizations
- Lack of medical care prior to incarceration
- Impact of substance abuse
- Catastrophic illness/injury
- Acuity of general medical needs
- Cost of medical staff
- Increased need for off-site services
- High demand for mental health services
- Emergency services transportation costs

County jails utilize a wide range of practices to manage medical care:

- Seek alternative funding (15 counties)
- Pay MaineCare rate for off-site medical services (16 counties)
- Operate a medical co-pay plan (11 counties)
- Use telemedicine technology (1 county)
- Participate in joint contracting (2 counties)

Many facilities fail to realize the maximum savings associated with any of these measures due to lack of administrative staff to oversee their effort, questionable return on effort expended, and/or inability to procure services because specialist provider refuses to accept the MaineCare rate (*e.g.*, dental care).

The survey clearly showed that medical expenses on the whole are increasing for county jails, as the bar graph below illustrates:



Federal healthcare funding for low-income persons living in Maine is administered through the MaineCare program. Each state, under rule, determines what healthcare costs are covered under Medicaid/MaineCare and which, if any, benefits apply to persons incarcerated in Maine's county jails and prisons.

The State of Maine allows incarcerated persons who meet eligibility requirements to enroll in MaineCare, though benefits are limited to in-patient hospitalizations. Despite limited benefits, enrollment for those incarcerated allows for continuity of care and access to benefits upon release from custody.

Recently, the State put an aggregate cap on benefits paid for those enrolled in MaineCare's non-categorical status. Because most prisoners qualify for MaineCare under this status, the cap is likely to diminish the monies available to pay for in-patient hospitalizations. The MDOC estimates that 94% of the 548 prisoner hospital days in FY05 were covered by MaineCare.

A major and growing expense for Maine's correctional system is pharmaceutical drugs. Of the \$15,342,320 spent for medical services, \$3,375,310 (22%) is spent for pharmaceuticals. Unfortunately, there is no cooperative mechanism or shared standard for controlling and monitoring the costs of pharmaceuticals across county jails and between county jails and the State prison system.

The financial burden of pharmaceuticals could be reduced or at least controlled in several ways by implementing appropriate interdependent policies and practices. These include:

- Reviewing the current formularies used in the county jail and state system with the goal of establishing one standardized correctional formulary. Once established it will assist in the continuity of prisoner healthcare and in the effort to secure lower pharmacy pricing for both state and county facilities.
- Initiating and expanding partnerships to optimize purchasing power.
- Revising or developing and implementing treatment standards.
- Revising or developing and implementing pharmacy and medication management programs and staffing strategies.

In presenting her research on medical costs in the corrections system of California, Dr. Renee Kanan emphasized the concepts of quality and value. Although containing costs is imperative, it is important to focus on value (the ratio of quality to cost) rather than simply cost. Cutting costs at the expense of quality may seem to offer short-term gains, but, in the long-term, such a strategy may actually be more expensive. For example, investing in effective preventative care will often reduce the need for more expensive treatment later on.

Increased efficiency, a form of better value, occurs when quality stays the same while cost is lowered in comparison to other strategies to manage similar conditions. Cost cannot be considered alone. It is the relationship between quality and cost that

determine worth or value. Therefore, quality assurance and continuous quality improvement programs and activities as key components of cross system projects, initiatives, and joint purchasing opportunities.

There are several key factors in the delivery of correctional healthcare that exacerbate quality and cost problems for high-risk, high-need patients:

- Medical issues may not be fully assessed upon admission and lack of standardized practices between jurisdictions may compromise continuity of care.
- Decentralized care of these patients does not take advantage of economies of scale or expertise.
- Sub-optimal prevention including ineffective chronic care and case management;
- Pre-release planning that is suboptimal negatively impacts recidivism and public safety.

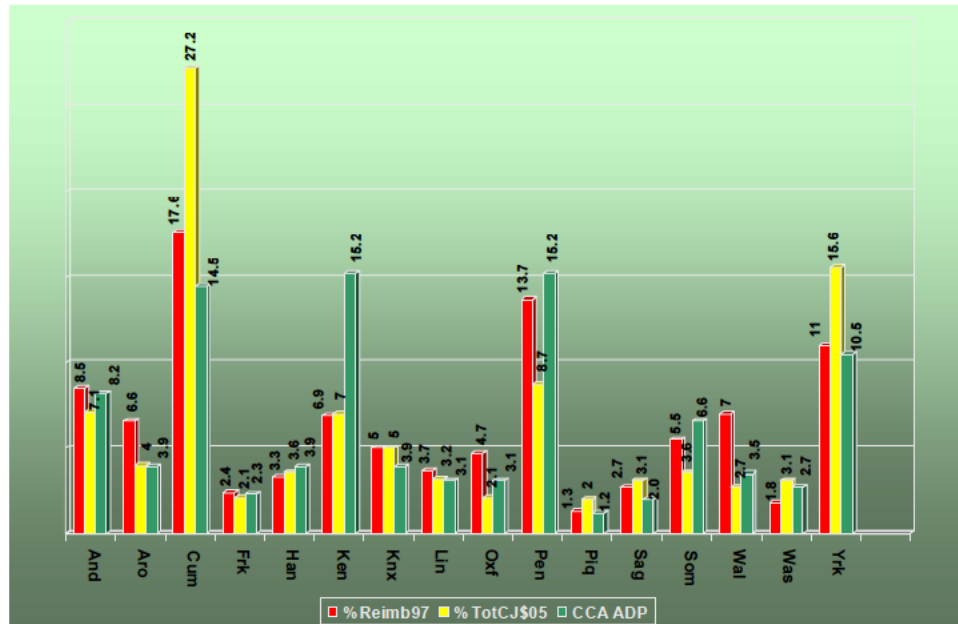
8. Outcome-focused policy and funding mechanisms – including the redesign of the State’s Community Corrections Act (CCA) – can encourage best practices.

One of its primary purposes of Maine’s CCA, enacted in 1987, was to direct the courts to commit offenders with less than one year sentences for Class A, B, C, D & E offenses to the county jail and those with sentences of one year or more for Class A, B, & C offenses to the State. It also limited county jail commitment of sentenced felony prisoners (Class A, B, & C offenses) to those serving terms of six months or less. From 1989 to present, CCA has required sentenced felony prisoners serving less than nine months to be committed to the county jail.

While the CCA established the place of confinement, it also provided reimbursement to support Class A, B, & C prisoners committed to county jails and community corrections programs. The reimbursement provided was split 70/30, with 70% designated for general prisoner support and 30% designated for community corrections programs.

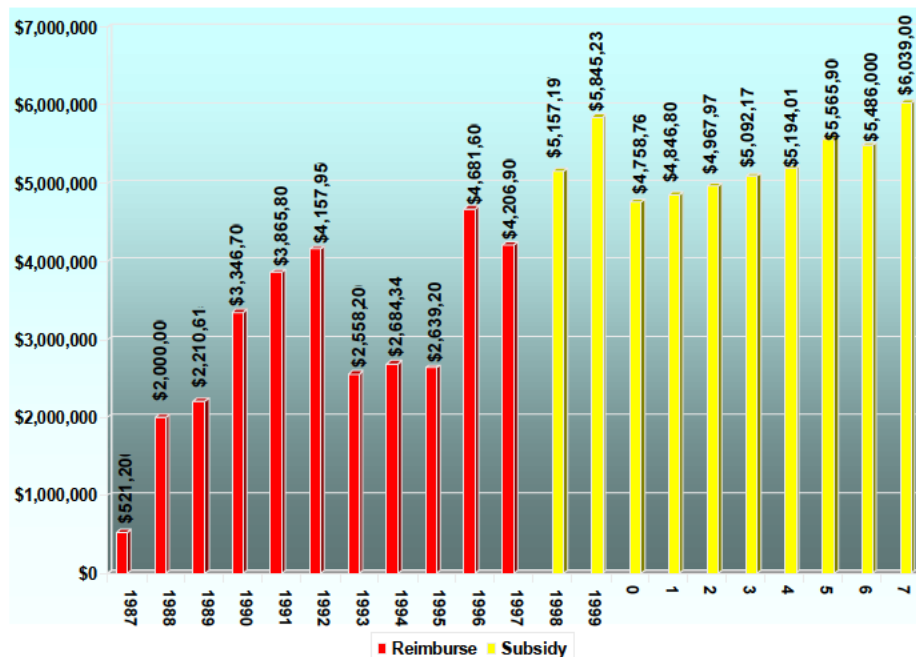
In 1997, the CCA converted from a per diem reimbursement to a subsidy based on the FY96/97 percentage distribution of state reimbursement to individual counties. In addition, the subsidy (reimbursement) split went from 70/30 to 80/20, with 80% designated for general prisoner support and 20% designated for community corrections programs. The chart on the following page depicts the CCA subsidy distribution by county percentage received, percentage of total jail costs, and the average daily population for Class A, B, & C offenders.

CCA Subsidy
% of Distribution By County
% Distribution Based On Subsidy, % of Total Jail Cost & ADP for ABC



The actual CCA reimbursement/subsidy has varied throughout the years, with some years not being fully funded (FY93-95). The following chart depicts CCA reimbursements/subsidies paid from FY87 to FY06, which ranges from \$521,201 to \$6,039,000.

CCA Total Reimbursement/Subsidy
FY 1987 to FY06



Approximately half of the states have some form of CCA and that the primary purpose for most of them is to deliver community-based, non-custodial correctional services. In a number of cases, CCAs have been established primarily to keep offenders out of jail or prison through diversion or supplemental programming. Services frequently supported by CCAs include community-based supervision, counseling, day treatment, day reporting, electronic monitoring, residential half-way houses, etc.

Some states use CCAs as a vehicle to provide state financial support for locally-managed community-based corrections, while others continue delivery of probation/post-prison services by state agencies and use CCAs for targeted offender populations or supplemental services. Populations targeted for these services may include those classified by risk and need, those falling in specific categories defined by sentencing guidelines or statutes, or those having committed specific types of offenses (such as driving under the influence).

Where confinement is supported through CCA programming, jail or prison time is usually a short-term placement to facilitate or continue offenders in a community-based placement.

Common elements of most CCAs include:

- State funding and oversight for locally-managed programs and services that expand sanctioning options.
- Local boards for planning, coordination of services, and oversight.
- Delineation of the state/local roles in the CCA partnership.
- Specificity regarding types of programs and targeted populations.

Maine's CCA varies from others in several areas:

- The primary emphasis of Maine's CCA is the support of jail placements (80% of CCA funding in Maine goes for general prisoner support).
- Funds available for community programming in Maine (20% of Maine's CCA funds) are not targeted by statute or administrative direction, with considerable discretion provided to local officials for their use.
- Local planning for the use of CCA funds in Maine has limited participation from other local agencies and service providers and does not have a community corrections board or planning authority to guide and monitor community corrections services.
- Several states use incentives to encourage localities to establish regional jail facilities or pretrial programs to reduce detention populations. This is normally done through legislation separate from CCAs.

Other initiatives being explored outside of CCAs include the use of jails to house inmates near their post-prison residences to plan for re-entry to communities, and the

use of additional or alternative funding sources beside the CCA to fund community-based services. Virginia, for instance, provides state funding that is used by some CCA programs for pretrial release and supervision programs.

9. On-going leadership and system-wide change management are needed to facilitate the system-wide cost-benefits associated with cooperative planning, purchasing, networking, and implementation of effective and efficient policy and practice.

- The primary reason that change initiatives fail is the lack of leadership to envision the change and to help people get on board with the importance and relevance of the change to their work and values.
- Initiating change within complex systems requires active engagement from leaders and participants within the complex system.
- Desire for change and a decision to change is insufficient for system change to happen. System change requires structures and processes for making change happen throughout the system.
- Establishing and making accountable a body(s) for leading and managing change is an essential component of an effective change process.
- Leading change requires patient persistence and resources for support.

VI. Conclusions and Recommendations

After five months of careful study, assessment, and discussion, the Committee arrived at eight general conclusions that pinpoint underlying problems and provide the basis for recommendations. These conclusions, listed below, summarize the key findings outlined in the preceding trends and issues section.

Conclusions

1. **The most obvious cost-driver in the correctional system – the rising number of inmates – is primarily driven by policies and practices within the system, not by outside forces such as crime rates.** The data on county jail populations, for example, shows that the majority of those incarcerated in jails (60%) are awaiting trial, not convicted offenders serving sentences. Changing pretrial procedures to reduce the time spent awaiting trial (currently averaging 65 days) should be a priority. Effectively changing these procedures will require further study of jail populations and system processes.
2. **Making the entire criminal justice system more effective is the best way to reduce costs.** This is most obvious in the case of recidivism, which is clearly one of the root problems driving overpopulation. Reduce the recidivism rate and you reduce the ranks of the incarcerated and relieve the entire criminal justice system of the costs associated with recycling people back through the system. As with the pretrial situation, recidivism rates can be improved by changing policies and practices. The Committee's findings show that using evidence-based practices to manage offenders appropriately by risk and need – starting with their initial contact with the criminal justice system – can significantly reduce recidivism through pretrial and post-conviction or re-entry treatment.
3. **There is a need to better integrate the various components of the correctional system.** By viewing the system as a single entity, rather than discrete parts, modifications can be made to increase general efficiency and manage costs. For example, when individual counties purchase commodities such as pharmaceuticals rather than purchasing them as a unified group, it deprives the system of potential costs savings and efficiencies. In general, a more cooperative relationship is needed between the components of the system.
4. **Technology, when used appropriately, can make the system operate more efficiently and facilitate consistency and coordination.** An integrated management information system provides the opportunity to ensure the sharing of critical information and effective practice across the State. The use of videoconferencing to coordinate responsive medical care and judicial procedures can reduce costs and redirect resources.
5. **Other cost drivers, as understood nationally, include those related to medical care but may include other forms of purchased services as well.** A cost-effective medical system must identify where the major costs within the system are occurring so that management and treatment processes can be put into place to address these areas.

6. **Funding mechanisms need to be designed to encourage best practices.** Community Correction Acts (CCAs) can be used strategically to support community-based supervision, counseling, day treatment, and other evidence-based practices design to treat offenders appropriately and reduce recidivism.
7. **As an inherently decentralized system, on-going support and leadership is needed to drive and facilitate cooperative planning, purchasing, networking, and implementation of cost effective and efficient initiatives.** Recommendations and legislation for change is insufficient without a system-wide commitment and structure that can produce meaningful results.
8. While the research undertaken by the Committee was a good start, and produced a set of preliminary recommendations, **more study is needed. Specifically:**
 - More detailed analyses is needed of: current funding systems and incentives, the desirability and cost-benefit of potential regionalization initiatives, and data related to pretrial populations and case processing in order to identify opportunities for better resource allocation and utilization.
 - Expanded stakeholder involvement and input is required to strengthen the quality of recommendations and the capacity for their implementation.

Recommendations

The Committee has identified the following recommendations. These recommendations address the conclusions listed above and the support the following objectives:

- I. Appropriately manage offenders' risk and needs;
- II. Increase whole system efficiencies;
- III. Enhance State and county coordination; and
- IV. Continue the Committee's work.

I. APPROPRIATELY MANAGE OFFENDERS' RISK AND NEEDS

1-A Reduce the average length of pretrial defendants' stay within jail

Action steps:

- Ensure that high quality information on pretrial defendants is available to judicial officers, particularly bail commissioners and first appearance judges.
- Eliminate administrative hearings for probation violations in order to reduce the jail time that accused violators spend waiting for their hearing with a judge from 14 days to 5 days.
- Require that all counties make evidence-based pretrial supervision and diversion programs available for defendants in order to maintain eligibility for CCA funding.

The amount of jail bed days needed for pretrial detainees is dependent on decisions regarding the “riskiness” or dangerousness of pretrial defendants (the risks of failure to appear and pretrial re-arrest), how that risk is managed (the conditions of pretrial supervision and availability of diversion programs), and the efficiency with which cases are resolved by the court including judges, prosecutors, public defenders and court administrators.

The population of Maine’s county jails consists of 60% pretrial defendants and 40% sentenced offenders. The benefits of a reduced average length of stay include reduced jail crowding, the need for jail bed space, lower operational costs, and the elimination of capital outlays for jail expansions associated with jailing pretrial defendants when alternative methods for securing this population exist.

While several organizations provide services to those waiting trial within the Maine Correctional system, pre-trial services are not offered consistently across jurisdictions and are not routinely linked to managing risk and need in order to best support community safety and reduce costs associated with prolonged pretrial detention and case processing.

Evidence-based practice has demonstrated that quality pretrial programs provide information critical to the sentencing process including conducting a formal, research-based assessment that helps inform the sanctioning process. Prior to bail determination, pretrial services help ensure that the decision to release or detain are made with an understanding of the risk of flight and reoffending. In jurisdictions across the country that have utilized evidence based pretrial services, costs associated with the use of jail beds have declined.

Starting on January 16, 2006, the Committee will conduct a study of pretrial processes and the risk and needs of defendants. This study will provide valuable grounding for additional recommendations regarding the nature and funding of pretrial services and programs through the State including:

- Opportunities for providing pretrial services that reflect accurate defendants’ risk and need information.
- Ways in which court processes may be streamlined or accelerated to move cases to resolution more quickly, especially for those detained in jail.
- Approaches for building the capacity of the entire state system to support effective pretrial supervision and programming.

By supporting LD1868, the Committee seeks to eliminate the requirement of an administrative hearing on all pending probation violations, thus reducing the time that accused violators must spend in jail from 14 days to 5 days.

1-B Improve sentencing outcomes by providing appropriate information and expanding options and resources

Action steps:

- Support the planned pilot in Androscoggin County to provide risk and need assessment to the court prior to sentencing.
- Explore opportunities and strategies for expanding this project to other locations.
- Require that all counties make evidence-based post-sentence programs available for defendants in order to maintain eligibility for CCA funding.
- Ensure access to effective sentencing sanctions and options including making available post-conviction programs that appropriately address offender risk and need and provide for effective case management and supervision.

Evidence-based practice shows that information pertaining to a defendant's risk and need is essential to the sentencing process. This information helps a judge identify sanctions that are appropriate judicially while also being cost-effective by reducing recidivism and providing the best use of existing jail space. Without this information, low risk offenders may receive sanctions that aggravate their chances of reoffending while high risk offenders may receive sanctions that do not address serious criminogenic profiles.

The State of Maine has made great strides in organizing its community corrections supervision and services around evidence based practice regarding the effective management of offenders in community settings. To date this work has primarily impacted the supervision of offenders on probation. The goal of the Committee is to continue to promote the alignment of all sentencing options and resources with evidence-based policies and practices in order to better manage the risk and need of offenders serving their sentence within the community or a confined setting. This recommendation advocates providing structured, evidence-based programs throughout the system in order to address offenders' crime-related factors. Monitoring of sentencing decisions, program design and implementation, case management supervision, and offender outcomes are critical components of this recommendation.

1-C Evaluate the use of split sentencing to determine this sanction's effectiveness in managing the risk and needs of offenders

Action steps:

- Establish a split sentencing evaluation sub-committee among Committee members and other invited participants (to include members representing the judicial branch - both superior and district court, district attorneys, and criminal justice attorneys). The purpose of this sub-committee is to study the policy and practice of split sentencing and how this practice does or does not assist in effectively managing the risk and needs of offenders.
- Develop recommendations on the role of split sentencing as an appropriate sanction.
- Gather input from stakeholder groups during the formulation of recommendations and at the time of their final review.

Split sentencing is a sanction that imposes a length of incarceration partially or wholly suspended along with a period of probation. A by-product of this sanction is the likelihood that an offender will repeatedly recycle through the system – often for behaviors associated with non-criminal activities that violate the conditions of his/her probation. For example, a disproportionate split sentence might involve an underlying sentence of 5 years with all but 3 years suspended and 10 years probation. The offender serves the initial 3 years then must stay crime-free while also complying with all probation conditions which include non-criminal behaviors for 10 years.

During its research, the Committee was unable to conclusively determine the extent of the role that split sentencing plays in aggravating costs and recidivism rates. However, in accordance with the Committee's commitment to policies and practices that are evidence-based, the Committee believes that the frequent use of this sanction should be evaluated and other forms of sanctions explored. The primary goal of the sanctioning process should be to enable men and women to return permanently and productively back to the community.

II. INCREASE WHOLE SYSTEM EFFICIENCIES

2-A Enhance the capacity to manage system performance through information technology and alignment of practice

Action steps:

- Identify diverse counties willing to participate in an expanded CORIS pilot.
- Create a pilot project planning committee to include representatives of county jurisdictions, MDOC, and other appropriate stakeholders. This committee would help formalize and focus a current MDOC initiative.
- Implement a project planning process that includes the identification of issues and opportunities, the feasibility of integration among diverse systems, the development of shared goals and performance measures, the opportunity for standardized correctional practices, the establishment of design criteria, and action steps.
- Identify information technology partners, resources, and peers to ensure that appropriate knowledge and resources are leveraged.
- Establish evaluation mechanism to determine the pilot's success and viability.
- Initiate an education process to provide information about what was learned through the pilot and to promote, recruit, and expand efforts around what works.

Maine currently has a number of information systems related to corrections management. County jurisdictions utilize regional systems for tracking public safety incidents, individuals who moved through the system, and data related to costs, services, criminal justice decision making, and overall system performance. While the state has invested in the CORIS system – a fully integrated and web-based MIS system designed to accommodate the management of system-wide data – other jurisdictions have invested in a range of systems that help them address local information needs.

Because of different goals, different ways information is recorded and different operating systems, only a few of these systems can communicate with one another. Currently, the CORIS system and local systems are also not able to communicate.

The CORIS project, funded with State information technology funding, has been established to address the lack of communication between systems. Its goal is to find ways to implement a comprehensive management information system that would provide for the efficient identification and aggregating of information system-wide, and promote the standardization of policies and practices that increase system effectiveness.

2-B Establish a state-wide, collaborative approach to community corrections to include the appointment of a CAAC leadership and planning sub-committee that would begin its work by revising the Community Corrections Act and bring these revisions back to the CAAC for their review and consideration as recommendation to the legislature. Members of this sub-committee would include CAAC Committee members and other invited guests. Work of the sub-committee should be guided by the following action steps.

Action steps:

- Separate funding/subsidy for jails from the Community Corrections Act.
- Increase annual state support for jails subsidies (80%) and community programs (20%) by the rate of increase in the Consumer Priced Index. Over the next five years, assign the total increased funding to community programming, thus increasing the funds available for such programs. At the end of five years, evaluate the impact of the change.
- Require that each county use its CCA funds for pretrial and post conviction programs that comply with standards set forth in pretrial program guidelines such as those found in American Bar Association pretrial standards. The responsibility for planning and evaluating these programs should be assigned to local coordinating committees that reflect the principles and practices outlined in National Institute of Justice/National Institute of Corrections guidelines for such committees.
- Encourage counties to collaborate with other counties and the State to maximize and leverage resources that can best serve the objectives of community corrections.
- Define clear objectives for community corrections to include: 1) reducing the number of jail days; 2) reducing risk of re-offending; 3) restoring the community including addressing victim rights; 4) enabling offenders to return to the community (live and work outside of jails or prisons).
- Require accountability around community correction objectives including accountability for outcomes and defined performance measures. Promote consistency for key outcomes across the State and monitor these outcomes state-wide.
- Support clearer role definition as appropriate, including positioning MDOC to provide supportive leadership to counties in implementing community corrections.

- Continue the work of the Committee to promote learning, coordination, establishing of shared performance measures, and continuous improvement across the system. Committee's continued work should include establishing and guiding a leadership and planning sub-committee that would be responsible for developing the language for a revised CCA, leading the work to engage local communities in this work, and promoting coordination and collaboration between and among other groups involved in issues related to corrections including the Domestic Violence and Sexual Assault Committee, Re-entry Network Steering Committee, and others.

Maine's current CCA has evolved into a financial subsidy for county jail operations. Based upon the findings referenced in the report, the Committee believes that it is necessary for the State to enact legislation that identifies offender populations for which community management of the criminal sentence is preferred. This legislation must articulate a public policy that addresses how the population will be identified, the outcomes to be accomplished, the governing structure of the organization created to manage community programming, and the funding structure that links sanctions and interventions to desired outcomes.

CCAs throughout the Country have created a variety of structures. Only recent legislation and modifications to long established acts have focused on achieving measurable outcomes pertaining to the management of offenders within the community. Earlier language speaks more to who was eligible for community corrections and the activities to be paid not the results expected.

The Committee believes that Maine's CCA must start with identifying the outcomes to be achieved by keeping this population in the community through structured program initiatives. The organizational structure established should enhance local decision-making and focus on the achievement of desired outcomes. Funding should be tied to policy and practice that has measurable linkage to defined outcomes.

If Maine chooses to maintain State financing of local county detention facilities, it should do so independently of the Community Corrections Act. Failure to separate the two distinct functions of subsidizing jails and supporting community corrections places these functions in competition with each other. Public policy should articulate the purpose of each function and clarify the desired outcome of the State's investment in each.

Articulating the various public policies described above is intended, in part, to reduce the reliance on housing people in jail and to encourage the effective management for offenders in the community. The use of costly jail bed days should be restricted to populations that cannot be managed responsibly in less restrictive ways. With the introduction of evidence-based policy and practice, actuarial assessment of the risk to commit new crime is directly tied to case management practices that incorporate sanctions and interventions demonstrated to reduce that risk. More deliberate, disciplined management of specific offender populations should lead over time to reduced re-offending by that population.

The Committee believes that the CCA should operate within the context of “restoration.” While reducing the reliance on the jail for specific offender populations, and reducing the commitment of new crimes by those populations, the Committee believes that the offender and the community will be restored to “right standing.” Sanctions can be imposed and completed without restoration. However, the committee believes that it is essential to the fabric of the community and to increasing long term crime free living to firmly place the community correction process in a “restorative justice environment.”

Historically, one of the short coming of CCAs has been a lack of understanding on the part of state DOC staffs regarding how to constructively work with local government to accomplish the intent of the CCA. Commonly, the DOC is named in the act as the “oversight” agency. When a state’s CCA does not clearly articulate the outcomes to be produced, the focus of oversight becomes bureaucratically directed toward deciding which programs should or should not be funded without reference to established public policy goals and outcomes. Under these conditions, the state staff become auditors responsible for finding fault, rather than consultants charged with assisting in accomplishing intended outcomes. Yet the state can best ensure that it receives a return on its investment when state and local staffs are recognized for jointly achieving these results. Collaborative initiatives that include a state-wide leadership function along with local planning committees supported and facilitated by a central organization like a DOC can provide the structure through which a CCA can be meaningfully implemented.

Having evaluated the State’s current CCA, the Committee feels that it is imperative that the State moves towards a model of community corrections that is:

- Focused on returning offenders to the community and not reliant on incarceration;
- Oriented towards providing community-based structure and interventions that achieve desired results
- Based upon collaboration between State and local partners with planning and evaluation for achieving shared goals initiated at the local level and supported through State facilitation and intervention.
- Separated from jail funding policy.

III. ENHANCE STATE AND COUNTY COORDINATION

3-A Decrease transportation costs while improving efficiency through:
1) the use of videoconferencing technology for medicine, psychiatry, civil and criminal proceedings, probation violation hearings and pre-sentence interviews; and 2) investigating effectiveness and efficiency of a state-wide transportation network

Action steps:

- Identify diverse counties to participate in videoconferencing pilots that expand the use of video conferencing.
- Ensure the effective utilization of videoconferencing as a resource for reducing transportation costs related to court scheduling and medical and mental health services.
- Identify the effectiveness and efficiency of establishing a State-wide transportation network to reduce cost and redundancy of transportation statewide (future work of the Committee).
- Utilize a stakeholder process to recommend policies and practices that address unnecessary transports to court proceedings.
- Support the Chief Justice's "event certainty" initiative. Request that the Chief Justice share recently adopted court scheduling recommendations with stakeholders for comment, discussion, evaluation, support, and recommendations.
- Support the Court's plan to collect, monitor, and evaluate data related to current and future court scheduling activities. Ensure resources are available to do this and to adapt policies and practices related to continue improvement of a collaborative, effective, and efficient court scheduling process.

Inmate transportation is estimated to cost at over \$1.5 million per year. 64% of the transports and approximately \$974,200 of the transportation costs are for court appearances, medical services and mental health services. The remaining 36% of trips are primarily for transportation to MDOC facilities and between jails. By eliminating just 50% of trips associated with court proceedings and medical services through the use of video conferencing, half a million dollars a year can be saved.

The use of videoconferencing technology is prevalent throughout the State because of its ability to break down barriers caused by long travel distance, poor road conditions, and limited access to services, specially within more rural areas. The Maine Judicial Branch is sponsoring a project to enable courthouses within all counties to utilize videoconferencing for a range of proceedings. By leveraging the videoconferencing equipment funded through this project, videoconferencing becomes easily and inexpensively available for telemedicine and arraignment purposes. It is estimated that yearly operating costs for video conferencing within all 15 jails is less than \$60,000.

The Committee intends to identify additional opportunities for transportation savings by analyzing the cost-effectiveness of a statewide transportation network. This network would utilize cooperative transportation arrangements between jails and MDOC prison facilities in order to reduce the frequency and redundancy of trips.

The scheduling of hearings for those under the custody of local jails now occurs without effective and efficient coordination between the courts and the jails. As a result of the Judicial Branch's concern, the Chief Justice has begun implementation of a new scheduling initiative based on a policy of "event certainty:" when hearing are scheduled, they happen. At this time, jail staffs are unaware of the details of this new initiative and how it will affect their use of resources.

The elimination of sudden scheduling changes caused by the current management practices and insufficient resources will enable jails to better manage and control the costs associated with court transportation and security.

3-B Establish mutually agreed to policies and practices for ordering and managing pharmaceuticals including the administration of blister packs.

Action steps:

- Bring stakeholders together to:
 - ⇒ Identify needs, interests, opportunities and barriers related to the purchasing and use of pharmaceuticals by engaging decision-making representatives of sheriff departments, jails, DOC, and other key stakeholders.
 - ⇒ Identify pharmaceutical cost drivers including those 5 to 8 drugs that make up 50 to 75 of cost.
 - ⇒ Develop agreed to objectives and criteria for the RFP and an appropriate vendor list for distribution.
- Establish appropriate formulary including: assessing the use of generic versus branded medications, opportunities for expanding the use of generics, and gaining best price for increased volume (economy of scale) through shared purchasing.
- Address issues of concern and solutions to problems related to controlling, administering, and the cost of medications to include the appropriate use and reuse of blister packs. Include representatives of the State's Pharmacy, Nursing, and Medical Boards in this process.

- Identify potential opportunities for improving the prescribing of select medications which may include evidence-based, clinical/treatment guidelines; training; monitoring of costs and utilization – by total aggregate, by facility, by provider.
- Explore the benefits of using/employing a pharmaceutical benefits manager to develop the formulary, analyze utilization and cost, assist with RFP criteria, and work with physician leaders on training.
- Identify opportunities for continuity of care that include enabling those offenders leaving confinement to take appropriate medications with them.

Increasing costs within correctional health care systems are fundamentally related to increases in total inmate population and the subpopulations of inmate-patients who have relatively high health care risks and needs especially in terms of medical and mental health. In any health care system, a minority of patients incurs the majority of costs.

Despite the growing prison and jail populations, Maine currently has no shared standards or cooperative mechanisms for controlling and monitoring the costs of pharmaceuticals across county jails and between county jails and the state prison system. As in all states, pharmaceuticals within Maine's correctional system are a major driver of medical costs. Of the \$15,342,320 spent for medical services in 2004, \$3,375.310 or 22% was spent on pharmaceuticals. The categories of drugs that have shown to contribute to these costs in other states include atypical psychotropic, antidepressants, protein pump inhibitors, anti-hypertensive drugs, lipid-lowering drugs, anti-viral, and anti-seizure medications. Due to the lack of information associated with a decentralized medical delivery system, information is currently not available on what drugs are being purchased, at what price, and in what number. As a result, the forces driving these costs in Maine are not known.

Best practices in reducing and controlling costs associated with pharmaceuticals include a number of interdependent policies and practices. These include: establishing or reviewing current formularies⁴ for prescribing drugs in order to focus price negotiation strategies and reduce unit rates on specified medications; initiating and expanding partnerships to optimize purchasing power; revising or developing and then implementing treatment standards as appropriate; revising or developing and implementing pharmacy and medication management programs and staffing strategies as appropriate.

A system-wide cooperative agreement between jails and with the state is not currently in place. Additionally, little information is available regarding how pharmaceuticals are managed within and across the system. By cooperating on a voluntary basis to identify policies and practices for purchasing and managing pharmaceuticals, costs for pharmaceuticals per offender can decrease as quality of service increases. The short term

⁴ A formulary is a list of preferred drugs within drug categories to be used for specific conditions. By identifying such a list, providers are able to focus their purchasing power on negotiating optimum rates for these drugs without restricting quality of service to the patient.

benefit is the ability of jails and the DOC to increase purchasing power for commonly used drugs, thereby reducing the cost of these drugs. Longer term benefits include standardizing practice, which has the potential of increasing quality of out patient care and the reduction of inpatient costs resulting from increased quality. Medications are only one component of a chronic care program. Standardization of service quality and effective case management can contribute significantly to the cost effective use of pharmaceuticals.

A reduction in the cost of pharmaceuticals by 15% has the potential of saving over a half a million dollars a year state-wide.

3-C Assess and effectively manage contract specialty cost drivers such as in-patient hospitalization

Action steps:

- Identify stakeholders and engage them in identifying the cost and quality driver of specialty care to include the 5 - 8 diagnoses that make up 50 to 75% of costs or number of cases. Look at rates of increase in specialty care and pharmaceuticals.
- Assess outpatient care policies and procedures to see where there are opportunities for reductions in both cases and costs.
- Determine more cost effective means of delivering quality services including teleconferencing.
- Support the use of Maine Care to pay medical costs for offenders.
- Explore availability and cost-benefits associated with catastrophic care insurance.

Best practices in correctional medicine, as in other forms of medicine, mean managing for cost and quality. One reinforces the other. Within a correctional setting, this means identifying those individuals within the population that drive the costs so resources and management efforts can be focused on this population, thereby reducing costs and improving quality overall.

In Maine, no systematic effort has been undertaken to identify high medical utilization and costs. Consequently, the opportunity for collective cost containment and best practice resource utilization has been missed.

In an ongoing effort to control medical costs, county jails have utilized a wide range of practices including paying MaineCare rates for off-site medical services, operating a medical co-pay plan, and participating in joint contracting. Many facilities fail to realize the maximum savings associated with any of these measures due to lack of administrative staff to oversee the effort, questionable return on effort expended, and/or inability to procure services because a specialist provider refuses to accept the MaineCare rate.

Nevertheless, MaineCare contributes significantly to the system's ability to pay for in-patient care. The MDOC estimates that 94% of the 548 prisoner hospital days in FY 05 were covered by MaineCare. Unfortunately, this resource may soon become less valuable due to a change in state policy.

Although the State of Maine allows incarcerated persons who meet eligibility requirements to enroll in MaineCare, benefits are limited to in-patient hospitalization. Recently, the state has placed an aggregate cap on the benefits paid for those enrolled in MaineCare's non-categorical status. Because most prisoners qualify for MaineCare under this status, this action will diminish the monies available to pay for in-patient hospitalization for incarcerated persons.

Because catastrophic illnesses can be a major and sudden financial liability for corrections, a few jails have begun looking into catastrophic health insurance. This may be a helpful resource in addressing the high costs associated with administering inmate health care, or, at a minimum, in managing risk.

A combined strategy of more effective management of cost drivers, use of MaineCare for in-patient services, and consideration of catastrophic illness insurance may help in both reducing long term costs. Without the use of effective preventive medicine, however, costs may be merely transferred to others. Managing for both cost and quality must go hand and hand.

IV. CONTINUE THE COMMITTEE'S WORK

4-A Review current funding systems and identify alternatives to increase efficiency and effectiveness across the system

Action Steps

- Conduct cost benefit analysis of more effectively managing risk and needs of offenders.
- Examine other States' funding for county jails.
- Assess how Maine's funding of prison and jails should be allocated including what components of the system should be local and State responsibilities and how jail funding should be administered.
- Develop processes for funding and approving new jail and prison capacity.
- Develop legislation creating an incentive fund (Please see Appendix F for pending legislation LD 2016: An Act to Extend the Corrections Alternatives Advisory Committee.

4-B Explore opportunities for regionalization to best utilize resources

Action Steps

- Assess ways in which regionalization and/or collaborative restructuring can support the long term goals of efficiency and effectiveness.
- Identify savings opportunities through cooperative purchasing and alternative resource options such as joint purchasing of electricity, food, fuel; purchasing products from prison industry; exploring alternatives to conventional energy sources.

4-C Implement and guide recommendations pertaining to:

- **Reviewing the use of split sentencing sanctions**
- **Developing recommendations for improving the pretrial process**
- **Establishing a sub-committee to draft a new Community Corrections Act**
- **Facilitating the development of local and State capacity to support this work**

Action steps:

- Introduce legislation to continue the work of the Committee and to expand the membership to include representatives of the Judicial Branch and district attorneys.
- Expand stakeholder involvement and input in order to strengthen the quality of recommendations and capacity for implementation.

Since August 2005, the Committee has convened 10 formal meetings and authorized its project management team to conduct 14 studies to gather information from a range of state and national sources including local stakeholders and recognized experts in the field. While initial recommendations have resulted from this work, additional opportunities for expanded cost savings and efficiencies have been identified. For instance, an NIC supported research effort is currently underway to identify causes associated with what appears to be an extremely high average length of stay for pretrial defendants (65 days is 3 times the national average). Because of the significant costs associated with this average, understanding its causes and how to eliminate them has the potential to reclaim and/or redirect resources towards evidence based initiatives that can further reduce costs by reducing recidivism. For every 1% reduction in Maine's incarcerated population, a conservatively estimated savings of \$300,000 is likely. By

supporting the continuation of the Committee's work, including the analysis of this research, this body will be able to identify additional recommendations for further improving system efficiencies and effectiveness.

Through the support and implementation of the Committee's interim recommendations, the potential for reducing state and local combined correctional costs is real. The utilization of videoconferencing to reduce transportation costs combined with a reduction in the cost of pharmaceuticals through joint and targeted purchasing has the potential for immediate savings. The expansion of community correction initiatives and the potential for diverting a growing number of pretrial and post-sentenced inmates from prolonged incarceration offer considerable cost savings in the future.

Despite the importance of these savings, the Committee feels strongly that there are additional and significant recommendations forthcoming from its work. Having begun the process of exploring these opportunities, the Committee feels compelled to complete its efforts to provide the Legislature with a full range of options for improving the efficiency and effectiveness of the state's correctional system. For this reason, the Committee respectfully requests and urges its reauthorization and the establishment of a sub-committee to begin immediately the work of strengthening and expanding community corrections throughout Maine.

VII. Appendix

A. Enabling Legislation

PART J

Sec. J-1. Corrections Alternatives study. The Department of Corrections will conduct a study which identifies the cost and benefits and cost savings associated with the alternative corrections service delivery options.

1. Advisory Committee established. The Corrections Alternatives Advisory Committee is established to guide the development of the study of corrections service delivery options. The Advisory Committee is not a decision making body, but serves to provide advice and information to the Department of Corrections. The Advisory Committee consists of 8 members appointed as follows:

- a. The Commissioner of the Department of Corrections and two state corrections officials designated by the Commissioner;
- b. A representative of a state-wide association of county commissioners nominated by the association and appointed by the Governor;
- c. A representative of a state-wide association of county sheriffs nominated by the association and appointed by the Governor;
- d. A representative of a state-wide association of county jails nominated by the association and appointed by the Governor;
- e. A municipal representative appointed by the Governor.

The Governor shall ask the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a member of the Advisory Committee.

The Advisory Committee shall consult with labor unions representing both state and county employees and keep them informed regularly throughout the development of the study.

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint two co-chairs from among the membership of the committee, one representing the Department of Corrections and one representing county government. The co-chairs shall call and convene the first meeting of the committee no later than 15 days after appointments of all members. The Advisory Committee may meet as often as necessary to accomplish their work

3. Duties of the Advisory Committee. The Advisory Committee will oversee the development of a study which identifies the cost and benefits and cost savings associated with alternative corrections service delivery options that may include, but are not limited to:

- a. Improved collaboration between State and County government; and
- b. Regionalization opportunities and cost reductions.

Each option will consider cost benefits and cost reductions, improved economies of scale, effective bed space management, appropriate staffing levels, and equal or improved program and service delivery.

Options will be analyzed within the goal of achieving efficiencies and managing the cost of correctional services at both the state and county level. The study will include recommendations which include, but are not limited to:

- a. restructuring of county jails;
- b. a decision making process to approve the construction and financing of new correctional facilities;
- c. criteria for the use of an incentive fund established to further the recommendations of the study; and
- d. the level of state funding of county jails to include the existing funding through the Community Corrections Act and the County Jail Prisoner Support; and
- e. increased funding of cost effective correctional service delivery through the directing of other state revenues to fund the incentive program.

4. Report. Interim reports and proposed recommendations will be presented to the Intergovernmental Advisory Group for their review. The Intergovernmental Advisory Group will serve as a forum for soliciting public comment. The Department of Corrections will deliver the results of the final study with recommendations and implementing legislation to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than January 1, 2006. The cost of the study will not exceed \$300,000.

5. Corrections Incentive Fund recommendation. The Commissioner of the Department of Corrections will submit legislation establishing a Corrections Incentive Fund to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than February 1, 2006. The purpose of the proposed Corrections Incentive Fund will be to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals which are consistent with the final study recommendations. The legislation will also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the program.

B. Committee Members

Marty Magnusson, Co-Chair
Maine Department of Corrections Commissioner
Representing Maine Department of Corrections

Scott Story, Co-Chair
Waldo County Sheriff
Representing Maine Sheriffs' Association

Peter Baldacci
Penobscot County Chairman
Representing the Maine County Commissioners Association

Ed Barrett
City Manager, Bangor
Representing Municipalities

Hartwell Dowling
Diversion & Rehabilitation Coordinator
Representing the Judicial Branch

James Foss
Representing State-wide Association of County Jails

Denise Lord
Maine Department of Corrections Associate Commissioner
Representing Maine Department of Corrections

Ralph Nichols
Director of Inspections Quality Assurance and Professional Practices
Department of Corrections
Representing Maine Department of Corrections

Elmer Berry, Alternate
Androscoggin County
Representing Maine County Commissioners Association

William Bridgeo, Alternate
City Manager, Augusta
Representing Municipalities

John Lebel, Alternate
Androscoggin County Jail
Representing the State-wide Association of County Jails

C. Project Management Team

Mary Ashton

Program Specialist
National Institute of Corrections

Bob Bistras

Program Analyst
Maine Office of Geographic Information Systems

Ron Emerson

Executive Director
Maine Telemedicine Services

Hartwell Dowling

Diversion & Rehabilitation Coordinator
Maine Judicial Branch

Cheryl Gallant

CAAC Project Manager
Cheryl A. Gallant, Inc.

Bob Howe

Executive Director
Maine Sheriffs' Association and Maine County Commissioners Association

Ralph Nichols

Director of Inspections Quality Assurance and Professional Practices
Maine Department of Corrections

Christopher Oberg

CORIS Business Analyst, Probation Officer
Maine Department of Corrections

Mark Rubin

Research Associate
Muskie School of Public Service

Michael Vitiello

Jail Superintendent, York County
Vice President of Maine Jail Association

D. Studies and Presentations

- “Adult Community Services: An Overview of Maine’s Probation and Parole System,”
Chris Oberg, Maine DOC
- “Advancing Technological Initiatives: An overview of current initiatives and future opportunities,” Dave Packard, Maine DOC
- “Benefits of an Integrated CORIS Model across Maine,” Dave Packard, Maine DOC
- “County Community Corrections Act 1987 to 2005,” Bob Howe, State Sheriff’s Association and County Commissioners Association, Ralph Nichols, Maine DOC
- “County Jail Medical Services,” Kathy Plante
- “County Jail Pretrial Population Study”
- “County Jail Transport Survey”
- “GIS,” Bob Bistras
- “Improving the Quality and Value of Healthcare in the Maine Prison and Jail System,”
Renee Kanan, M.D., MPH
- “Maine County Jail & Maine Department of Corrections Inmate Population Data 1985 to 2004,” Ralph Nichols, Maine DOC
- “Maine Judicial Video Project”
- “Maine Prison and Jail Population Projections,” Rod Miller, CIS
- “MDOC Adult Facilities & County Present Cost,” Bob Howe, State Sheriff’s Association and County Commissioners Association & Ralph Nichols, Maine DOC
- “National Models of Problem-Solving Courts”
- “NIC Research in Maine,” Lisa Nash
- “Pioneering Creative Responses to Meet Individual and Community Needs,” June Koegel, Volunteers of America Northern New England
- “Population, Crime and Arrest Trends,” Mark Rubin, USM
- “Proposed Study of Maine’s Pretrial Process,” Marie Van Nostrand
- “State & County Correctional System Roles & Responsibilities 1975 to Present,” Ralph Nichols, Maine DOC
- “A Systems Approach to Improving Efficiencies and Cost-Effectiveness in Correctional Healthcare,” Renee Kanan, M.D., MPH
- “Sentence Individualization and Diversion, Maine Judicial Branch,” Chief Justice Leigh Ingalls Saufley Hartwell Dowling, Diversion and Rehabilitation Coordinator
- “Telehealth in Corrections,” Ron Emerson, Maine Telemedicine Services of HealthWays
- “Volunteers of America Adult Justice Programs,” June Koegel
- “What Works and What Doesn’t in Reducing Recidivism: The Principles of Effective Intervention,” Edward J. Latessa, Ph.D.

C. Importance of Evidence-Based Practices

“Evidence-based approach” is a central concept for many researchers who study corrections issues. An evidence-based approach is a set of research-based principles and practices designed to reduce recidivism. The general idea behind Evidence-based approach is that successful correctional practices are grounded in empirical data and research—that is, practices that evidence shows are effective in changing behavior—rather than tradition, intuition, or purely speculative theories. From the “Evidence-based approach” perspective, correctional agencies should base their policies and programs on principles that can be demonstrated to actually achieve the intended goals. It may sound like common sense, but many current practices have either never been thoroughly evaluated for effectiveness or, in some cases, have actually been shown to be counter productive.

Evidence suggests that appropriate treatment is more likely to reduce recidivism than criminal sanctions. The Evidence-based Approach is based on four principles of effective intervention:

Risk Principle: Intervention should target higher risk offenders. Intensive treatment for lower risk offenders can increase recidivism.

1. **Need Principle:** Intervention should target criminogenic risk factors. If you target those factors that are most closely associated with criminal behavior, you will have better effects in reducing recidivism. These factors include:

- Anti-social attitudes, values, and beliefs, and cognitive emotional states (criminal thinking);
- Pro-criminal associates and isolation from pro-social associates;
- Certain temperament and behavioral characteristics (e.g., egocentrism, weak problem-solving and self-regulation skills);
- Criminal history;
- Familial factors (i.e., low levels of affection and cohesiveness, poor parental supervision and discipline practices, and outright neglect and abuse);
- Low levels of personal, vocational and educational achievement;
- Substance abuse

2. **Responsivity Principle:** Intervention should match styles and modes of treatment to the learning styles and abilities of the offender.

3. **Treatment Principle:** Intervention should be based on social learning or cognitive behavioral approaches. Social learning involves modeling new skills and behavior while cognitive behavioral approaches focus on changing thoughts that lead to criminal behavior and includes strategies such as cognitive self control, anger management, social perspective taking, moral reasoning, social problem-solving, and attitudinal change.

In short, the Evidence-based Approach posits that public safety and offender change are accomplished through an integrated system of sanctions and interventions appropriately targeted to the risk and needs of the offender. An Evidence-based approach means that everyone who has anything to do directly or indirectly with an offender, from entry into the system to completion, is consistently focused on assisting that person to be successful.

An understanding of the Evidence-based Approach led committee members to the following key conclusions upon which to judge their recommendations:

- Criminal sanctions alone (not accompanied by appropriate treatment programs) will not reduce recidivism (in fact, in some cases, sanctions will increase recidivism)
- Mingling low-risk offenders with high-risk offenders (in either incarceration or treatment programs) actually increases recidivism rates among low-risk offenders
- Non-behavioral treatment approaches are not only ineffective, but could actually increase recidivism. These are often associated with the following, however, new versions of these initiatives using evidence-based approaches such as cognitive restructuring, behavior modification, etc are showing effectiveness in managing offender risk and need:
 - ⇒ Correctional boot camps using traditional type military training
 - ⇒ Drug prevention classes focused on fear or other emotional appeals
 - ⇒ D.A.R.E
 - ⇒ School-based, leisure-time enrichment programs
 - ⇒ “Scared Straight” juveniles visit adult prisons
 - ⇒ “Shock” probation
 - ⇒ Spilt sentences, adding time to probation
 - ⇒ Home detention with electronic monitoring
 - ⇒ Intensive supervision (control oriented)
 - ⇒ Rehabilitation programs using unstructured counseling
 - ⇒ Residential programs for juveniles using challenging experiences in rural settings

**F. LD 2016 – An Act to Extend the Corrections Alternatives
Advisory Committee**

122nd MAINE LEGISLATURE

Second Regular Session

Legislative Document

No. 2016

H.P. 1416

An Act to Extend the Corrections Alternatives Advisory Committee

(EMERGENCY) (GOVERNOR'S BILL)

Presented by Representative BLANCHETTE of Bangor.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives CHURCHILL of Washburn, GERZOFKY of Brunswick, PLUMMER
of Windham, SYKES of Harrison.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Corrections Alternatives Advisory Committee was established to work to effectively identify the costs, benefits and cost savings associated with alternative corrections service delivery options, including improved collaboration between State Government and county government and regionalization opportunities and cost reductions; and

Whereas, the Corrections Alternatives Advisory Committee needs to continue its work to further identify options to be evaluated with the goal of achieving efficiencies and managing the cost of correctional services at both the state and county levels; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 2005, c. 386, Pt. J, §1, sub-§1 is amended to read:

1. Advisory committee established. The Corrections Alternatives Advisory Committee, referred to in this Part as "the advisory committee," is established to guide the development of the study of corrections service delivery options. The advisory committee is not a decision-making body, but serves to provide advice and information to the Department of Corrections. The advisory committee consists of the following members:

- A. The Commissioner of Corrections and 2 state corrections officials designated by the commissioner;
- B. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;
- C. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;
- D. A representative of a statewide association of county jails nominated by the association and appointed by the Governor; ~~and~~
- E. A municipal representative appointed by the Governor; and
- F. A representative of a statewide association of prosecutors nominated by the association and appointed by the Governor.

The Governor shall ask the Chief Justice of the Supreme Judicial Court to serve as or to name a designee to serve as a member of the advisory committee and to appoint one trial judge or a designee to serve as a member of the advisory committee.

If a member cannot serve, the person responsible for appointing that member shall appoint a new member.

The advisory committee shall consult with labor unions representing both state and county employees and keep them informed regularly throughout the development of the study.

Sec. 2. PL 2005, c. 386, Pt. J, §1, sub-§2 is amended to read:

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Part. The Governor shall appoint 2 cochair from among the membership of the advisory committee, one representing the Department of Corrections and one representing county government. If a cochair cannot serve, the Governor shall appoint a new cochair. The cochair shall call and convene the first meeting of the advisory committee no later than 15 days after the

appointment of all members. The advisory committee may meet as often as necessary to accomplish its work.

Sec. 3. PL 2005, c. 386, Pt. J, §1, sub-§4 is amended to read:

4. Reports. The advisory committee shall submit interim reports and proposed recommendations to the Intergovernmental Advisory Group, established in the Maine Revised Statutes, Title 30-A, section 2181, for its review. The Intergovernmental Advisory Group shall coordinate the solicitation of public comment. The Department of Corrections shall deliver its ~~final~~ interim report with recommendations and proposed implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on State and Local Government no later than ~~January 1, 2006~~ March 15, 2006. The Department of Corrections shall deliver its final report with recommendations and proposed implementing legislation to the Legislature no later than December 15, 2006.

Sec. 4. PL 2005, c. 386, Pt. J, §1, sub-§5 is amended to read:

5. Corrections Incentive Fund recommendation. The Commissioner of Corrections shall submit proposed legislation establishing a Corrections Incentive Fund to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on State and Local Government no later than ~~February 1, 2006~~ December 15, 2006. The purpose of the proposed Corrections Incentive Fund is to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals that are consistent with the final study recommendations. The proposed legislation must also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the fund.

Sec. 5. PL 2005, c. 386, Pt. J, §1, sub-§6 is enacted to read:

6. Authorized duties; nonlapsing funds. In addition to that specified in this section, the advisory committee is authorized to conduct any additional work authorized by law within its budgeted resources. Any General Fund appropriations originally appropriated to support the work of the advisory committee that remain within the Department of Corrections may not lapse but must be carried forward to be used for the same purpose.

Sec. 6. Retroactivity. This Act applies retroactively to January 1, 2006.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill amends Public Law 2005, chapter 386, Part J, which established the Corrections Alternatives Advisory Committee. The bill extends the life of the advisory committee to December 15, 2006, expands its membership and authorizes additional meetings and a final report to the Legislature. The bill also authorizes the advisory committee to carry forward any remaining funds in order to support its continued work.

H. Map of County Jails and State Prison Facilities

