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Final Report of the
Corrections Alternatives Advisory Committee
December 2006

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The CAAC would especially like to thank Mary Ashton of NIC for her work on this initiative. Ms. Ashton was able to leverage the necessary national resources required by the Committee while providing support and expertise in designing and implementing processes for achieving its outcomes. Her skill in organizing the CAAC's work, bringing in best practice from across the country, facilitating the policy discussions and guiding the discussion towards recommendations were essential to the CAAC's final conclusions and recommendations.

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EXECUTIVE SUMMARY

Maine's criminal justice practices have produced the lowest incarceration rate and one of the lowest per capita costs for corrections in the country. In addition, crime trends show that Maine is one of the safest states. Nevertheless, Maine's correctional facilities are currently operating at more than 200 prisoners over capacity while the county jail system operates with an overall surplus of beds. Counties with older jails are generally over capacity while those with newer facilities are not. If present policies and practices continue, an increased and unwelcome financial burden on scarce government resources – both state and local – will result. The Corrections Alternatives Advisory Committee (CAAC) was formed in recognition that the correctional system is facing serious challenges including increasing prison and jail populations, rising health care costs, and larger than average probation case loads.

Over the last 10 years, the average in-house population of adult inmates in Maine's county jails has nearly doubled. In 2005, the total daily in-house county jail population averaged 1,669, nearly double the average in 1995.

Three factors have contributed to the increase in county jail populations: 1) the increase of pretrial defendants and their average length of stay; 2) the increase in the number of offenders violating the terms of their probation; and 3) a modest increase in the sentenced population. In the last 10 years, the number of pretrial defendants has increased from 447 to 1,022 and now represents the majority of inmates in Maine's county jails. The number of sentenced inmates has also increased, but at a slower rate, from 437 to 647.

Pretrial defendants are often only in jail a short period of time and are usually released from custody pending arraignment or hearing. Sentenced inmates generally are in the jails a longer period of time as they serve a jail sentence for a criminal conviction imposed by the court.

Starting in August of 2005, the CAAC began looking for ways to increase the effectiveness and efficiency of Maine's criminal justice system and to better manage costs. At the end of 2005, the CAAC requested a one-year extension from the Legislature to continue its work. Specifically, the CAAC focused on developing recommendations pertaining to:

1. Improving the efficiency and effectiveness of pretrial case processing;
2. Reviewing the use of split sentencing sanctions; and
3. Establishing a leadership and planning committee to revise the Community Corrections Act (CCA) and facilitate the development of local and state capacity to support this work.

This Final Report describes the work that has been completed by the CAAC. It describes the process followed in undertaking this work, the trends and issues in state and local criminal justice/correctional systems, and the information and deliberations that are the basis for the CAAC's final recommendations. The recommendations reached by the CAAC are detailed in the body of this report.

Much of this report is derived from a series of reports commissioned by the CAAC. They include the following:

- *Interim Report of the Corrections Alternative Advisory Committee:*
<http://www.maine.gov/corrections/caac/reports/InterimReport.pdf>
- *Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness:*
<http://www.maine.gov/corrections/caac/pretrial/SupMat/PretrialCaseProcessinginMaineFinalReport.pdf>
- *Evidence-Based Practices: A Framework for Sentencing Policy*
<http://www.maine.gov/corrections/caac/SupMat/FinalReportSentencingPracticesSubcommitteeForPrinting.pdf>

In reaching its conclusions, the CAAC was guided by a number of basic principles or goals. These principles can and should serve as a basis, not only for implementing these recommendations, but also for continuing on-going efforts to increase the effectiveness and efficiency of Maine's criminal justice system. These include:

1. **Increase Whole System Efficiencies.** The CAAC and involved stakeholders examined the entire correctional system—how work gets done between and among state and local components—to identify the factors driving cost and inefficiency and determine how system-wide improvements could address both short-term and long-term resource constraints.
2. **Enhance State and County Coordination.** To minimize waste and streamline operations, committee members believed that better coordination and collaboration is essential among key agencies. Specifically, the CAAC models the kind of coordination needed between Maine’s Department of Corrections (MDOC) and local jails; between local jails and jurisdictions; and between MDOC, jails, the Judicial Branch and related criminal justice functions.
3. **Appropriately Manage Offenders’ Risk and Needs.** The CAAC identified the management of offenders’ risk of re-offending and needs for rehabilitative and other services as a key objective and recommended using evidence-based practices (EBPs) to achieve these objectives. Nationwide, correctional systems are moving toward implementation of EBPs, especially in the area of risk assessment.

After 17 months of careful study, assessment, and discussion, the CAAC arrived at seven general conclusions that pinpoint underlying problems and provide the basis for our specific recommendations to help Maine better manage its correctional system. These conclusions are listed below:

CONCLUSIONS

1. **The rising number of inmates is primarily driven by policies and practices within the criminal justice system.** The data on county jail populations shows that the majority of those incarcerated in jails (67 percent) are awaiting trial and not convicted offenders serving sentences. Changing pretrial procedures to reduce the average length of stay for those awaiting trial should therefore be a priority. The length of stay for pretrial defendants in jails varies from jurisdiction to jurisdiction.
2. **Using evidence-based practices to manage offenders appropriately by risk and need can significantly reduce recidivism.** The CAAC'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

7. **Increase Financial Support for Community Corrections Programs and Separate from Jail Subsidy:** In its Interim Report, the CAAC emphasized that funding for community corrections programs should be separated from state subsidies for the on-going operation of county jails. Separating these two funding streams will emphasize the importance of community corrections programs as a means to improve the efficiency and effectiveness of our correctional system. The CAAC also recommends that, on an interim basis, increases in state support for local corrections be targeted to community corrections programs until the community corrections portion of all state support to local jails and programs reaches a set, higher percentage. The CAAC is also recommending the creation of a Correctional Program Incentive Fund. For a further discussion of these recommendations, see the Funding of Jails and Community Corrections section of the Report. In addition, the CAAC recommends that the Community Corrections Act be revised to place a greater focus on such efforts as: establishing evidence-based programs, providing technical assistance to counties from the state for such programs, and improving state oversight of programs.

The members of the Committee would like to express our appreciation to the large number of individuals and groups who participated in and supported our work. The level of cooperation that we received was outstanding and shows a high level of commitment on the part of all stakeholders in improving our criminal justice and correctional systems and practices.

It is with pleasure that the Committee submits this Final Report.

INTRODUCTION

As the number of people incarcerated in Maine continues to rise, the task of improving the criminal justice system must be a long-term process requiring continual assessment of current practices, new capacity for managing performance, and recognition that the system is comprised of interrelated pieces that affect one another.

In the CAAC Interim Report, the Committee projected that the number of persons incarcerated in Maine will significantly increase over the next 15 years, even though the at-risk population to offend (youth/young adults) continues to decline.

Although Maine's challenges are not unique, they provide an opportunity for proactive change based upon what has worked around the country as well as in Maine. In the Spring of 2005, the Maine Legislature created the CAAC to improve the efficiency and effectiveness of the state's corrections system and to better manage costs. In August 2005, the CAAC began to examine specific ways to increase the effectiveness and efficiency of Maine's criminal justice system.

In December 2005, the CAAC issued an Interim Report recommending that state and county officials take a series of actions to improve the efficiency and cost effectiveness of the corrections system. In addition, the CAAC called for an extension of its work to allow it to focus on pretrial case processes, sentencing practices, and current funding systems. This Final Report addresses these priority areas and reinforces the overall priorities of the CAAC, including themes from the Interim Report.

PRIORITIES

The CAAC Interim Report emphasized that Maine's rising inmate population is primarily the result of policies and practices within the system – not of outside forces such as crime rates. One clear example is the county jail population where the majority of those in jail (60 percent) are awaiting trial.

Through a cooperative agreement with the National Institute of Corrections, the CAAC hired Dr. Marie VanNostrand of Luminosity, Inc. to conduct a formal study of pretrial case processing in Maine. The study provided valuable information from which the CAAC developed recommendations designed to improve the efficiency and effectiveness of pretrial case processing.

The CAAC also discovered that a large percentage of the correctional population in Maine is serving jail/prison sentences as a result of split sentencing practices. Split sentencing places offenders on probation in the community for a portion of their sentence. In practice, however, many offenders are often returned to jail or prison to complete their full sentence as a result of new technical or criminal violations. The CAAC identified evaluating the use of split sentences to determine effectiveness in managing the risk and needs of offenders as a priority.

Split sentencing is a sanction that imposes a length of incarceration, but suspends all or part of the sentence and replaces it with a period of probation. A by-product of this sanction is the possibility that an offender will repeatedly cycle through the system – often for behaviors associated with non-criminal activities that are conditions of his/her probation.

The CAAC was unable to conclusively determine how much of a role split sentencing plays in aggravating costs and recidivism rates. However, in accordance with its commitment to policies and practices that are evidence-based, the CAAC asked the Split Sentencing Subcommittee to examine the use of this sanction.

Another CAAC priority was examining the Community Corrections Act (CCA) in order to establish statewide accountability for a whole-system approach to community corrections. Since 1989, Maine's CCA has directed the courts to commit sentenced offenders with a nine months or less sentence for Class A, B, and C (1 year and less for D & E) offenses to the county jail. Those with sentences of nine months or more for Class A, B & C offenses are committed to state prisons. As a result of the shift of this population, the Act provided for state reimbursement to counties for the support of jail operations and community-based programs. In 1996/97, the Act was amended by the Legislature to move from a reimbursement-based formula to a state subsidy.

CORRECTIONS ALTERNATIVES ADVISORY COMMITTEE GOALS

As the CAAC embarked on its second year, the following objectives guided its work:

1. **Increase Whole System Efficiencies.** The CAAC and involved stakeholders examined the entire correctional system—how work gets done between and among state and local components—to identify the factors driving cost and inefficiency and determine how system-wide improvements could address both short-term and long-term resource constraints.
2. **Enhance State and County Coordination.** To minimize waste and streamline operations, committee members believed that better coordination and collaboration is essential among key agencies. Specifically, the CAAC models the kind of coordination needed between Maine’s Department of Corrections (MDOC) and local jails; between local jails and jurisdictions; and between MDOC, jails, the Judicial Branch and related criminal justice functions.
3. **Appropriately Manage Offenders’ Risk and Needs.** The CAAC identified the management of offenders’ risk of re-offending and needs for rehabilitative and other services as a key objective and recommended using evidence-based practices (EBPs) to achieve these objectives. Nationwide, correctional systems are moving toward implementation of EBPs, especially in the area of risk assessment.

EVIDENCE-BASED PRACTICES (EBP)

In addressing these issues, the CAAC embraced the principles of EBPs, a set of research-based principles and practices designed to reduce recidivism. The general idea behind EBP is that successful correctional practices are grounded in empirical data and research—that is, practices that evidence demonstrates are effective in changing behavior—rather than tradition, intuition, or purely speculative theories. From this perspective, correctional and related criminal justice agencies should base their policies and programs on principles that can be demonstrated to actually achieve the intended goals wherever possible. Many current practices have either never been thoroughly evaluated for effectiveness or, in some cases, have actually been shown to be counterproductive.

Evidence suggests that appropriate interventions are more likely to reduce recidivism than criminal sanctions. EBPs are based on four principles of effective intervention:

Of those familiar with EBP (31 percent), a smaller percentage believes that these practices are being adhered to or that effective treatment is available. While more than 72 percent of the respondents indicated that they believe effective treatment decreases recidivism, less than 10 percent responded that such treatment was available.

Overall, survey results indicated support for risk assessments, evidence-based practices, and improving the availability and effectiveness of treatment.

An understanding of the evidence-based approach led CAAC members to the following key conclusions:

- Criminal sanctions alone, unaccompanied by appropriate treatment programs, will not reduce, and in some cases, will increase recidivism.
- Mingling low-risk offenders with high-risk offenders (in either incarceration or treatment programs) increases recidivism rates among low-risk offenders.
- Non-behavioral treatment approaches are ineffective and may increase recidivism. Examples of non-behavioral treatment approaches include the following types of programs and policies:
 - Correctional boot camps using traditional military training;
 - Drug prevention classes focused on fear or other emotional appeals;
 - “Scared Straight” juvenile visits to adult prisons;
 - “Shock” probation;
 - Spilt sentences, adding time to probation;
 - Home detention with electronic monitoring.

The CAAC also reached a number of recommendations in the following categories:

- 1) Integrating risk and need assessments into criminal justice processing;
- 2) Ensuring the availability of an evidence-based treatment/sanction continuum;
- 3) Disseminating and using evidence-based practices information in decision-making;
- 4) Educating stakeholders about the need and usefulness of evidence-based practices.

The CAAC would also like to note that it has vigorously examined the handling of defendants at the pre-trial stage of the criminal justice system and has explored, in detail, the efficacy of evidence-based practices and split sentencing. While the CAAC has reached widespread agreement on a number of issues, as reflected in our recommendations, it should also be noted that this Committee has concluded that there is a small number of highly recidivist, violent offenders who are beyond any realistic hope of treatment or rehabilitation.

The application of evidence-based practices suggests that this group of offenders may not be receiving sufficient sanctions at the present time. Because their risk to the public is so great, and their potential for rehabilitation is sufficiently small, greater emphasis on incarceration or separation from the public for longer periods may be warranted. While this group of offenders is relatively small, their impact on public safety is potentially great; hence, the CAAC would be remiss if it did not identify this issue.

Through the recommendations presented in this report, the CAAC believes that the use of diversion and alternative sentencing programs rather than incarceration for low risk offenders will help ensure that the limited number of jail and prison beds are reserved for those offenders who pose the highest risk to the public and present the highest risk of re-offending.

BACKGROUND TRENDS AND ISSUES

While Maine has the lowest incarceration rate in the United States and one of the lowest per capita costs for corrections, the state's correctional system continues to face serious challenges including growing prisoner populations, costly recidivism rates, rising health care costs, and larger than average probation case loads. This section outlines a series of trends and issues that the CAAC identified early in its work:

Maine adult correctional facilities (MDOC) and county jails have experienced significant growth over the past 20 years.

From 1985 to 2004, the average daily population at MDOC facilities grew by 74 percent (from 1,180 to 2,045) and county jail populations grew by 193 percent (from 568 to 1,586). The average daily male population at MDOC facilities grew by 72 percent while its female population grew by 380 percent. At the same time, the average daily male population for county jails grew by 184 percent (529 to 1,421) while the female population grew by 700 percent (26 to 165).

Admissions to MDOC facilities have increased by more than 75 percent from 1990 to 2006.

Between 1990 and 2006, annual admissions to MDOC facilities rose from 580 to 1,020 admissions with 60 percent of admissions resulting from probation revocations, 36 percent as a result of new court commitments, and 4 percent for other reasons (transfers from other states, etc.).

The average length of stay for all inmates admitted to county jails doubled from seven days in 1990 to 14 days in 2004.

Admissions to county jails have also increased dramatically, up 42 percent from 30,743 in 1990 to 43,519 in 2004. For every inmate admitted to a county jail to serve a sentence, seven defendants are admitted for pretrial detention.

Over the past 20 years, the impact of increased jail admissions and lengths of stay have resulted in a 193 percent growth in the jails' average daily population. To accommodate this jail and prison population growth, Maine spent \$127,343,971 to operate its state and county correctional facilities in 2004.

Pretrial defendants represent the majority of the population in most county jails.

Before 1993, 60 percent of county jail inmates were sentenced (post-conviction status) and 40 percent were pretrial. By 2004, these statistics had reversed, with pretrial defendants making up 63 percent of the county jails' average daily population. Interestingly, however, a wide range exists in the percentage of pretrial defendants in individual county jails from a low in Piscataquis County of 16.4 percent to a high in Cumberland County of 74.7 percent. This range seems to show that the criminal justice system in some counties may be more effective at handling pretrial defendants and may have programs or approaches that others could adopt to address this concern.

The average length of stay for those pretrial defendants in a majority of Maine jails is more than three times higher than those in other states. The increasing average length of stay for pretrial defendants in Maine jails is one of the major factors contributing to the increase in county jail population.

Probation revocations represent the majority of all new admissions to MDOC facilities and a significant portion in county jails.

The CAAC found that 60 percent (610) of all new admissions to MDOC facilities were the result of a violation of probation. Of these admissions, about 45 percent were for technical violations (non-criminal behavior) and 55 percent were for a new criminal offense.

Maine's prisons and county jails face growing bed deficits.

If no efforts are made to modify current trends, MDOC adult facility populations are projected to grow at an annual rate of about 1.3 percent (+27 prisoners) per year, reaching an average daily population of 2,443 (+400 prisoners) in 2020. If these projections are accurate, MDOC could face a 696-bed deficit by 2020 based on MDOC's present 1,747-bed capacity as rated by the American Correctional Association. Maine's prison system is currently housing more than 300 prisoners over its rated capacity, creating a continuing overcrowding crisis.

Presently, county jails as a whole have a surplus of more than 200 beds. However, the distribution of this surplus is uneven, resulting in overcrowding conditions in 10 jail facilities while the remaining five have a surplus. County jails are projected to grow at an annual rate of about 3.7 percent, (+62 inmates) each year, reaching an average daily population of 2,516 (+930 inmates) in 2020. Based on these projections and if the status quo continues, county jails as a whole will begin to experience a bed space deficit in 2012.

Some older jails with less capacity already have or will soon reach this deficit. Taken together, the combined MDOC facilities' and county jails' average daily population is projected to increase by 1,330 by 2020, resulting in a system-wide deficit of 1,273 beds.

The next section of the Report will detail priority issues identified and examined by the CAAC, specific recommendations developed to address those issues, as well as an update from key topics outlined in the Interim Report.

SYSTEM FINDINGS AND RECOMMENDATIONS

After issuing its Interim Report in 2005, the CAAC met regularly to address on-going issues, with the following given the highest priority:

1. Pretrial case processing,
2. Sentencing practices, and
3. Funding of jails and community corrections

This section of the report includes a series of findings and recommendations focused on these three topics.

In addition, this section also includes an update on the following topics from the Interim Report:

1. Use of technology,
2. Inmate transportation, and
3. Medical care.

PRETRIAL CASE PROCESSING

Long periods of incarceration for pretrial defendants place a significant burden on the correctional system. This, in turn, drives costs up considerably. Since 1995, the percentage of pretrial defendants has increased significantly from approximately 50 percent to more than 60 percent in 2005.

Average Daily Population by Status				
Year	Pretrial	Sentenced	Total	% Pretrial
95	447	437	884	50.6%
96	464	450	914	50.8%
97	531	554	1,085	48.9%
98	570	550	1,120	50.9%
99	614	600	1,214	50.6%
00	719	636	1,355	53.1%
01	612	526	1,138	53.8%
02	824	711	1,535	53.7%
03	887	688	1,575	56.3%
04	931	697	1,628	57.2%
05	1,022	647	1,669	61.2%

Deciding whether to release or jail an arrestee and, if to release, under what conditions, has an immediate effect on the pretrial population and entails the first crucial assessment of risk and need in the criminal justice system. Under current statute, the decision to release or detain a defendant must be based on the risk posed that the defendant might fail to appear in court or might otherwise disrupt the integrity of the judicial system. In practice, this decision also frequently includes considerations of community safety. Annually, more than 40,000 bail decisions are made in Maine. These decisions have far-reaching implications for the criminal justice system, resources in the community, community safety, and the defendant.

Pretrial case processing has many stages that require the involvement of numerous criminal justice agencies and professionals. An understanding of pretrial case processing can be achieved by examining the seven critical stages and eight key system participants listed below.

Critical Stages:

1. Arrest and Detention
2. Bail and Pretrial Release
3. Charging Decision
4. Initial Appearance/Arraignment
5. Plea Negotiations
6. Trial
7. Case Adjudication

Key System Participants:

1. Law Enforcement
2. Jails
3. Judicial Branch
4. Prosecutors
5. Defense Attorneys
6. Grand Jury
7. Pretrial Services
8. MDOC – Probation Services

A pretrial defendant is processed up to the seven stages outlined above, requiring significant involvement with five key system participants: police, jails, courts, prosecutors, and defense attorneys. Only defendants charged with a felony offense are entitled to a grand jury. Pretrial services are available on a very limited basis in 12 of the 16 counties. For this reason, the majority of defendants do not have contact with pretrial services. MDOC–Probation Services is only involved if an arrest is for violation of probation. It is important to note that a defendant does not necessarily complete all seven pretrial stages before case disposition. In addition, cases may not always move through the system in the sequence listed above. The following diagram contains the seven stages of pretrial case processing with the key system participants involved in each stage.



The pretrial process is an often misunderstood and underdeveloped component of the criminal justice system. The CAAC quickly realized that limited Maine-specific data exists on the pretrial population's characteristics regarding risk and needs and local systems' approaches to pretrial release. To further define these issues, the CAAC, through a cooperative agreement with the National Institute of Corrections, hired Dr. Marie VanNostrand, a national expert in the area of pretrial populations and services, to conduct a comprehensive study of current pretrial processes, the system for identifying pretrial risk and needs, bail determinations, and the resources available to manage pretrial risk and needs. Dr. VanNostrand's report issued in September 2006 and titled *Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness*, identified possible system improvements that have the potential for significant cost savings while at the same time providing greater protection to communities.

REFORM MAINE'S BAIL SYSTEM

Maine's bail system must be reformed to ensure compliance with both the purpose of bail and the defendant's legal and constitutional rights. Revisions to the Maine Bail Code, modification of the standardized conditions of release form, improved access to criminal records, a redesign of the current system for initial pre-conviction bail setting, expansion and restructuring of pretrial services, and implementation of Automated Fingerprint Identification Systems (AFIS) in jails are all necessary to ensure compliance with the law and provide for the most efficient, effective, and just bail system in Maine. As of the publication of this Report, the conditions of release form has been revised to comply with the CAAC recommendations.

The Maine Bail Code should be revised as necessary to provide for the consideration of community safety while setting pre-conviction bail. Precedent can be found for such modifications in the federal Bail Reform Act of 1984 and through the estimated 45 states that provide for the consideration of community safety.

The Judicial Branch should modify the standardized Conditions of Release form as needed to address any inconsistencies with the Maine Bail Code and to address those that may violate the U.S. Constitution including any that require defendants to give up their constitutional right against unlawful search and seizure as provided for in the Fourth Amendment, as well as those that increase the potential for setting excessive conditions of bail per the Eighth Amendment.

The Maine Department of Public Safety is encouraged to work with local jails to secure access to state and national criminal records through the State Bureau of Inspection (SBI). These records should be accessed routinely as a part of the booking process. This information should be used for jail classification and provided to bail commissioners for consideration while setting bail.

Recommendation Four

County jails are encouraged to work with the Maine Department of Public Safety to secure and implement AFIS systems. The AFIS should be integrated with the existing local Inmate Management System (IMS) to reduce duplication of work and connected to the State Police. The Maine State Police is encouraged to pursue the ability to produce an automated response regarding a match of prints from either the SBI or National Crime Information Center (NCIC) databases.

The Maine District Court is encouraged to improve the selection, training, and oversight of bail commissioners. The training should include, at a minimum, a review of the presumption of innocence and its role in bail setting, the Maine Bail Code, and practice exercises with a variety of bail-setting

scenarios. In addition, bail commissioners should assume their duties only after the successful completion of the required bail training. The state court system is urged to evaluate alternatives to the current bail commissioner system.

Recommendation Six

Minimum standards should be developed regarding the information provided to bail commissioners when setting pre-conviction bail. This information should be consistent with §1026.4 *Factors to be considered in release decision* of the Maine Bail Code and should include a history of state and national criminal convictions.

Recommendation Seven

The current system for bail commissioner compensation should be reformed to remove any financial incentive that could influence bail-setting practices and to ensure that commissioners are adequately compensated for their services in all circumstances.

Recommendation Eight

A statewide policy should be developed and issued by the appropriate authority that requires the release of defendants from custody after a maximum period of time if they are unable to pay the bail fee. Staff in each sheriff's office should be authorized to process personal recognizance and unsecured bails set by bail commissioners per *Title 15, Ch 105-A, §1025*.

Recommendation Nine

- A. All existing pretrial services programs are encouraged to consider revising their practices in accordance with national standards related to pretrial release and pretrial services programs. State and county governments are encouraged to fund pretrial services at the level necessary to provide screening, and investigation to assess offender risk to the community and appropriate bail, and supervision services to all eligible defendants. This includes screening of all in-custody defendants prior to initial appearance, provision of pretrial investigations for all in-custody defendants at initial appearance (if a consideration of bail is likely to occur), and supervision for all eligible defendants. It must be noted that the implementation of this recommendation will require significant increases in funding for pretrial services programs.
- B. Penobscot County is encouraged to restructure and re-engineer its pretrial services program in order to be consistent with national standards, the right to bail that is not excessive (8th Amendment), and the purpose of bail as defined in the Maine Bail Code.
- C. Pretrial services programs, in partnership with MDOC, are encouraged to explore alternatives to the current duplication of defendant supervision provided simultaneously by pretrial and probation.

Recommendation Ten

Pretrial services should be expanded in order to conduct comprehensive pretrial investigations and provide reports to judges and justices as well as district attorneys and defense attorneys for all in-custody initial appearances when bail is likely to be considered.

IMPROVE PRETRIAL CASE PROCESSING EFFICIENCY

Pretrial case processing in Maine generally involves seven critical stages and eight key system participants. As a case is processed through the court system, the policies and procedures of key system participants, including law enforcement, jails, the Judicial Branch, prosecutors, defense attorneys, grand jury, pretrial services, and probation services all significantly impact how efficiently a case is processed. Slow or inefficient case processing leads to unnecessary detention and related jail crowding, case deterioration, increased technical bail violations, and the unnecessary expenditure of valuable human and financial resources.

Within Maine's system for pretrial case processing, opportunities exist for increased system-wide efficiencies. An examination of practices by the key system participants, the identification of causes of case processing delays, and the implementation of case processing efficiency measures are necessary to ensure the most effective case processing. Revising policies related to court attorney appointment, drug treatment court admissions, grand jury summoning, and Lawyers of the Day (LOD) present at initial appearances can all lead to significantly more efficient case processing. Additional Maine Judicial Branch resources focused on the "front end" of the system will produce significant improvements in efficiency, effectiveness, and pretrial justice.

The review of the actual practices in place in various counties, in addition to identifying opportunities for greater efficiency and effectiveness, has also revealed county-specific practices that can serve as models for others. The existence of such best practices in various locations within the state further underlines the need for improved communication and technical assistance throughout the system.

Recommendation Eleven

The Judicial Branch is encouraged to review its policies related to the assignment of court-appointed counsel and to make modifications wherever necessary to ensure appointments are made either at initial appearance or no later than four business days following initial appearance. Exceptions to this policy may be necessary at times, but should be extremely limited.

Recommendation Twelve

- A. The Judicial Branch, in partnership with local pretrial case processing key system participants – prosecutors, defense attorneys, law enforcement, jails, and MDOC Probation Services -- is encouraged to identify those practices of the justices, judges, court clerks, prosecutors, and defense attorneys that contribute to court case processing delays and implement corresponding improvements. Solutions may include, but not be limited to, the consistent use of status conferences for felony cases before and after presentation of a case to the grand jury, modifications to current case scheduling procedures, modifications to prosecutor practices related to case reviews and plea offers, and use of active retired justices to hear jury trials.
- B. Simultaneous to the examination of key participant practices, the Judicial Branch is encouraged to pursue additional resources (permanent and temporary) as may be necessary to keep up with the increasing caseloads in the trial courts.
- C. Upon completion of the first two sections of this recommendation, it may be necessary to examine the need for and pursue the additional prosecutorial resources necessary to ensure the most efficient processing of cases.

Recommendation Thirteen

Adult drug treatment courts are encouraged to review and revise their screening and admission policies in order to significantly reduce current delays in program admissions and related interventions.

Recommendation Fourteen

Franklin and Piscataquis Counties are encouraged to take action to ensure that a Lawyer of the Day (LOD) is present at all initial appearances and arraignments. Due to the rural nature of the two counties, a solution other than the recruitment of additional LODs may be necessary. Another rural county, Somerset County, operates what is known as the Private Defender Program (PDP). The PDP, for one set annual fee, provides Lawyer of the Day services at all initial proceedings/arraignments and serves as court-appointed attorney for all defendants assigned an attorney by the Court. There are currently four firms that participate in the PDP program. A PDP or similar program may provide a solution for Franklin and Piscataquis Counties.

Recommendation Fifteen

Each Superior Court and District Attorney is encouraged to review the frequency with which a grand jury is summoned. Frequency should be based on the number of cases that need to be presented, the availability of justices scheduled to hear cases in the respective county, and the importance of processing cases in a timely fashion. Ideally, a grand jury would be convened at least every other month, even in lower volume counties. More specifically, Hancock, Knox and Oxford Counties should consider convening a grand jury at least every other month, rather than the current quarterly practice, and Piscataquis should move to quarterly sessions from semi-annual.

FACILITATE INTERAGENCY COORDINATION

Pretrial case processing within Maine's criminal justice system involves many key and independent participants with frequently conflicting or overlapping interests and goals. While working independently to improve case processing efficiencies, changes in policy and practice by one entity may have unanticipated and potentially detrimental impacts on other key system participants. For a "system" to be truly efficient, mechanisms must be in place that require all key system participants to cooperate and to coordinate their efforts in a manner that optimizes limited resources and results in the most efficient processing of pretrial cases. Other jurisdictions have proven that local criminal justice coordinating councils, in conjunction with a statewide council, can facilitate the interagency coordination necessary to ensure the most efficient and effective criminal justice system.

Recommendation Sixteen

Counties, in partnership with local law enforcement agencies, are encouraged to examine the frequency of the use of summonses for eligible offenses within and between arresting agencies. Disparities in the use of summonses appear to be based on the size, location, and practices of the individual agencies and officers. These disparities should be further explored. Law enforcement agencies should develop or review policies related to the use of summonses and ensure that, by policy, practice, and through training, officers are strongly encouraged to use summonses in lieu of arrests whenever appropriate, per *Title 17-A, Chapter 1, §15-A, Issuance of summons for criminal offense*.

Recommendation Seventeen

Cumberland County is encouraged to identify and designate one law enforcement agency to serve as a warrant repository.

Recommendation Eighteen

As needed, law enforcement agencies, in partnership with sheriffs' offices, are encouraged to review and revise current policies to ensure compliance with *Title 25, Ch 341, §2803-B*, which requires victim notification of an inmate's release under certain circumstances. Additionally, law enforcement agencies and sheriffs' offices should ensure that a system is in place at each jail that guarantees that victims of domestic violence are notified of a defendant's release. Arresting officers must also be required to provide sufficient victim contact information at the time of booking.

Recommendation Nineteen

- A. Somerset County is encouraged to implement an IMS.
- B. Statewide guidelines for minimum data collection should be developed and adhered to by local jails. The guidelines should require the documentation of specified data elements in a standardized and automated fashion that are critical to jail management and system assessment on both the local and state levels. The required data must include information related to the criminal justice status at the time of the arrest (active probation, parole, pretrial services, and bail), prior criminal history, residence, employment, substance use, health, bail, sentence, length of stay, and jail classification. It is further recommended that a long-term goal be established to examine how systems could be coordinated in the future to achieve efficiencies.
- C. Each sheriff's office is encouraged to have at least one staff person who is trained in IMS, can conduct independent queries of the system and produce meaningful data and related reports for use internally and to share with state law enforcement agencies.

Recommendation Twenty

County sheriffs' offices, in partnership with local law enforcement and the district attorneys' offices are encouraged to review current policies related to probable cause determination requirements. In addition, a statutory change is recommended that would require law enforcement to provide a probable cause affidavit to the sheriff's office when requested. Modifications to policies should be made when necessary to decrease the rate at which defendants must be released from custody because a probable cause affidavit could not be obtained. Androscoggin County is encouraged to modify its policy to include releasing a defendant when probable cause is required but has not been determined

Recommendation Twenty-one

All county jails are encouraged to obtain and implement audiovisual devices that are compatible with the courts' current infrastructure. In addition to initial appearances and arraignments, the courts, county jails, and other relevant criminal justice system participants are encouraged to explore additional uses of this technology whenever appropriate.

Recommendation Twenty-Two

MDOC is encouraged to develop and implement policies that provide guidance to probation officers regarding appropriate, evidence-based responses to violations of probation. In order to assure compliance and consistent application of such policies, a supervisor should review an officer's decision to arrest an offender when the violation is non-criminal (also known as a technical violation as compared to an arrest for a new criminal violation) prior to the arrest whenever possible and no later than two business days following the arrest.

SENTENCING PRACTICES

In accordance with the Interim Report's recommendations, the CAAC formed a Sentencing Practices Subcommittee in 2006 to evaluate the use of split sentencing and to determine its effectiveness in managing the risk and needs of offenders. The Subcommittee, chaired by Commissioner Michael P. Cantara of the Maine Department of Public Safety, collected and analyzed data, conducted research regarding national policies and practices, and engaged members and stakeholders in learning about and discussing split sentencing as well as other, alternative sentencing options. This work was ably assisted by Rosemary Kooy and the Crime and Justice Institute. An underpinning philosophy of the Subcommittee was the use of evidence-based practices to reduce recidivism, thereby preventing further victimization and creating safer communities. Based on this core value, the work of the Sentencing Practices Subcommittee was guided by the following principles:

1. The most effective strategy for reducing recidivism is through a comprehensive, system-wide approach to the application of evidence-based practices. Sentencing policy changes alone will not reduce recidivism.
2. Reducing recidivism through evidence-based practices is the key to enhancing public safety and decreasing harm to the victims and the community. All relevant stakeholders, including the victims and members of the community, must be knowledgeable about evidence-based practices and understand how they relate to overall public safety goals.
3. Correctional alternatives should be viewed as part of a permanent, continuum services system and used to reduce recidivism, rather than as a stopgap measures to deal with overcrowding or lack of funding.
4. Corrections research is constantly evolving. A responsive system keeps abreast of the research, evaluates its system, and makes systemic changes based on data and the most up-to-date available research.
5. An organization/system that is most successful in initiating and maintaining offender interventions and supervision practices, consistent with the principles of effective intervention, will achieve the greatest recidivism reductions.

To help guide its work, the Subcommittee addressed the following:

- What type of sentences do probationers receive?
- Which probationers receive straight probation sentences, and which receive split sentences?
- Which sentencing practices could be improved to comply with the principles of evidence-based practice?

In Maine, prison sentences can be fully served while incarcerated, can be wholly suspended with probation, or can be split, with an unsuspended portion of the sentence served in incarceration followed by a period of probation (17-A M.R.S.A. section 1152(2)).

This latter form is referred to as a split sentence. Throughout the entire period of probation, the offender is subject to having the whole suspended portion of the sentence, or any portion thereof, ordered served in incarceration as a result of a violation of probation (17-A M.R.S.A. section 1206(7-A)).

The Subcommittee examined 2004 and 2005 data on individuals who entered probation through split sentences (some jail or prison time before probation) versus those with straight probation (a sentence of probation with no jail or prison time). The study considered risk level, crime type, region, and both jail and prison data. The analysis indicated that twice as many split-sentenced offenders entered probation (66.4 percent) in 2004 and 2005 as those with a straight probation sentence (33.6 percent).

The likelihood of receiving a split sentence correlated positively with the individual's risk level as measured by the Level of Service Inventory (LSI-R). (The LSI-R is a nationally validated risk assessment tool used by MDOC.) Low-risk (administrative) individuals received a split sentence 55.1 percent of the time, a lower rate than moderate and high-risk offenders.

Table 1

LSI Rating	Straight Probation	Split Sentence
Administrative	44.9 percent	55.1 percent
Moderate	35.8 percent	64.2 percent
High/Maximum	20.6 percent	79.4 percent

Whether the crime was a felony or misdemeanor, split sentences constituted the majority of sentences. Forty-eight percent of low-risk (administrative) offenders who committed misdemeanor crimes received split sentences. Moreover, 93 percent of the lowest risk cases received less than 45 days in jail.

Since secure placement is the most expensive and often the least effective response to criminal behavior, it may make sense for prison/jail beds currently occupied by a number of low-risk offenders to be reserved for high-risk offenders. Research shows that low-risk offenders actually benefit from low intensity or no correctional intervention at all and that their re-offending rates tend to increase with more severe sanctions.

Table 2

Risk Level	Split Sentence	Straight Probation
Felony		
Administrative	71.7 percent	28.3 percent
Moderate	84.5 percent	15.5 percent
High/Maximum	92.2 percent	7.8 percent
Total	83.7 percent	16.3 percent
Misdemeanor		
Administrative	48.2 percent	51.8 percent
Moderate	52.9 percent	47.1 percent
High/Maximum	55.3 percent	44.7 percent
Total	52.0 percent	48.0 percent

Data analysis also shows that split-sentenced probationers in Maine have higher revocation rates. Individuals with straight probation have a revocation rate of 27.3 percent while individuals with split sentences have a revocation rate of 39.7 percent. Regardless of sentence type, technical violations (non-criminal behavior) are the most common type of revocation violation. Half of all revocations are for technical violations.

Based on the Subcommittee's work, the CAAC developed several recommendations based on evidence-based practice that could reduce recidivism if systemically, wholly, and consistently implemented. The CAAC did not make a final statement about the continued use of split sentencing, but instead chose to make a number of recommendations aimed at changing daily practices at several junctures and levels in criminal justice processing.

PRE-SENTENCING/SENTENCING

When an offender is found guilty, the court has several options. It may order a pre-sentence investigation, impose a sanction immediately, or defer sentencing pending completion of specified conditions. When sentencing options are available, the court gains the flexibility to impose conditions that may be more effective in changing the offender's behavior. At this stage, protecting the community, holding the offender accountable, and preventing recidivism are the goals of the system.

Pre-sentencing evaluation reports typically include:

- The offender's criminal history
- Previous terms of community supervision or incarceration
- The offender's:
 - family of origin
 - current residence and family relations
 - education and employment histories
 - physical and mental health as well as drug and alcohol addiction histories
 - previous treatment history
 - military history
 - past and present gang involvement
 - history of violence
 - use of weapons
 - financial situation.

In Maine, pre-sentencing evaluations are not used in the bulk of sentencing decisions. The CAAC recommends a pre-sentence evaluation for all offenders and a specialized evaluation for certain sub-populations.

If conducted using the principles of evidence-based practice, the usefulness of pre-sentencing evaluations can be improved. By using validated risk assessment tools, referencing criminogenic needs, indicating stages of motivational change, and outlining available community resources, pre-sentencing reports can be used more accurately in reaching sentencing decisions. Pre-sentencing reports should include a summary of the data that has been collected along with specific recommendations as to the potential for rehabilitation, risk to the community, and sentencing options available to the courts. In developing a

range of sentencing options, it is important to draw upon the research of what works to reduce recidivism.

Sentencing judges and post-sentencing agencies could tie sentencing and related decisions to risk level by using a validated risk assessment method that meaningfully differentiates between offenders who are high, moderate, and low-risk. This approach should enable judges to tie length of supervision and services to an offender's risk level. Sentencing judges need options that are appropriate for the risk level of the offenders being processed.

Recommendation One

Conduct a pilot project to implement a triage risk assessment system. Develop a working group to develop the pilot project criteria, location, procedures, evaluation, and available resources. Determine the pilot area based on data such as number of overall cases, highest rate of jury trials, recidivism rates, available resources, and amenability of the criminal justice stakeholders.

Use a triage assessment level system to determine which defendants need a full “Pre-Sentence Assessment” (PSA):

- Level 1: Conduct proxy screening (pre-plea). Determine number of convictions, age, and age of first offense. Use this information to determine low-risk offenders eligible for diversion.
- Level 2: Conduct general risk assessment, LSI-R. Assess risk level, criminogenic needs, and responsivity factors. For special populations, use specific validated risk assessment tools in addition to a general risk assessment instrument. Mandate pre-sentence risk assessment for defendants convicted after trial (could be bench trial) in felony cases. Make the option available at the joint request of the parties after open plea or plea to a cap on felony cases.
- Level 3: Conduct full PSA. Align pre-sentence assessments with evidence-based practices. The PSA would include:
 - LSI-R results referencing criminogenic factors that need to be targeted;
 - Specialized sex offender assessment tools (if indicated);
 - Domestic violence assessment and recommendations regarding whether incarceration is recommended;
 - Incarceration length;
 - Probation length, conditions of probation;
 - Programmatic/interventions, availability of programs;
 - Restitution or other forms of victim compensation;
 - Determination of whether further evaluation is needed in specialized areas such as mental health and substance abuse, etc.

Pre-Sentence Assessments should include a summary of the data that has been collected, specific recommendations as to the potential for rehabilitation, stage of motivational change, risk to the community, and sentencing options available to the courts.

probation supervision, be directly related to the levels of offender risk, and require treatment interventions congruent with criminogenic needs.

Recommendation Four

Establish clear, flexible, and informed processes that align risk assessment results with probation conditions. Similar processes should be used as a basis for modifications to conditions of probation.

PROBATION VIOLATIONS/REVOCATIONS

When a probation violation is alleged, the offender is often placed in jail pending a hearing. When limited options are available to respond to such violations, revocation often results in additional jail time. A number of policy and program options may be considered before using detention, such as:

- A graduated-sanction continuum;
- Time-sensitive policies regarding revocations;
- Good time and other incentives including early release/discharge for good behavior.

From filing to disposition, resolving the average violation in most jurisdictions takes several months. As a result, probation violators can consume a significant portion of a court's time, energy, and resources. While the concept of split sentencing seeks to place offenders in the community for a portion of their sentence, many offenders are often returned to jail or prison to complete their full sentence – frequently as a result of technical, rather than criminal, violations.

For some very high-risk offenders who cannot function safely and effectively in least restrictive alternatives, incarceration is appropriate. Knowledge of risk level and the factors contributing to it is particularly important in responding appropriately to violations, particularly technical violations.

Sentencing judges must know the options available to them when responding to violations. Creating a continuum that does not rely solely on surveillance techniques (electronic monitoring, curfews, increased reporting) is needed to reduce recidivism. A balanced continuum of intermediate steps must include options that increase the likelihood of compliance in the future.

Recommendation Five

Charge the MDOC Community Corrections Division with creating a working group to study and develop guidelines for sanctions and treatment alternatives for probation violators. The guidelines should be based on level of risk and severity of offense.

Recommendation Six

Develop a continuum of correctional alternatives to respond to probation revocations. Such a continuum might include day/evening reporting centers and halfway houses.

Recommendation Seven

Recommend the use of the MDOC LSI-R risk assessment and other assessment results at the revocation hearing; use this information to determine an appropriate response to probation revocations.

ALTERNATIVES FOR DRUG-RELATED OFFENSES

In 2002, drug offenders comprised one third of all persons convicted of a felony in Maine courts. The rise in felony drug caseloads has forced courts to look for alternative strategies to resolve cases. Drug courts are one response. These are special courts designed to handle cases involving substance-abusing offenders through an extensive program of supervision and treatment. As of 2002, 47 out of 50 states had implemented drug courts. If evidence-based practices are applied, the likelihood of reducing recidivism through drug courts is increased. Recent studies suggest the following strategies:

- Classifying offenders using actuarial risk assessment tools;
- Using treatment based in behavioral and cognitive techniques;
- Matching the level of intensity of program to the offender's risk level;
- Providing aftercare services.

Recommendation Eight

Increase the use of adult drug courts as a sentencing alternative to jail or prison. Implement the LSI-R assessment tool into the screening/assessment process of adult drug courts. Recommend to the Adult Drug Court Steering Committee that the availability of drug court be limited as an option for moderate and high-risk offenders as measured by the LSI-R. The level (duration, intensity) of supervision and treatment services should be different for moderate and high-risk offenders.

COLLABORATION & DISSEMINATION OF EBP INFORMATION

The development of an effective system of local correctional alternatives is largely dependent on the ability to bring criminal justice stakeholders together as a policy team since no single agency has the authority or ability to bring about systemic change. In order for correctional alternatives to have long-lasting, system-wide impact, the effort must be well organized, with thoughtful input from all stakeholders, consistent participation, and on-going support. Key criminal justice stakeholders must be brought together, establish effective leadership, and work towards the common goal of risk reduction.

The literature is clear that official punishment without treatment has not been shown to be a specific deterrent to future criminal behavior and that appropriate correctional treatment can be effective in reducing recidivism among certain types of offenders. If a jurisdiction intends to accomplish the goal of risk reduction, it must prioritize the development of quality correctional programming. Maine should make aggressive efforts to ensure the availability, accessibility, and effectiveness of its correctional programming.

Recommendation Nine

Establish clear policies and incentives to ensure that public dollars invested in correctional programs are evidence-based. Support language in the Community Corrections Act that gives additional incentives to counties to develop evidence-based programs where appropriate.

Recommendation Ten

Encourage referral to and utilization of services and agencies that employ evidence-based practices and treatment models. Encourage jurisdictions to collaborate to restructure and reallocate existing resources to develop quality programs for the general population as well as specialized populations (sex offender, domestic violence, substance abuse).

Recommendation Eleven

Create a web-based directory of resources and diversion alternatives.

Recommendation Twelve

Advocate and promote the dissemination of information and training on evidence-based practices as they relate to sentencing alternatives at the 2007 Sentencing Institute.

[illegible]

FUNDING OF JAILS AND COMMUNITY CORRECTIONS

Approximately half of all states have some form of a Community Corrections Act (CCA) with the primary purpose of delivering 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.

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; and
- Specificity regarding types of programs and targeted populations.

Enacted in 1987, one of the primary functions of Maine's CCA was to direct the courts to commit sentenced 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 a state prison. It also limited the commitment of sentenced felony inmates (Class A, B, & C offenses) to county jails to those inmates serving terms of six months or less.

From 1989 to the present, the CCA has required sentenced felony inmates serving less than nine months to be committed to the county jail. At the same time, the County Community Corrections Act required the state to provide reimbursement to counties based on a per diem rate for inmates with sentences of nine months or less for Class A, B, and C crimes. Originally, 70 percent of these funds were to be used by counties for jail operations and 30 percent for community-based programs. Today 80 percent of the funds are used for jail operations and 20 percent for community-based programs.

Maine's CCA varies from all states in several areas:

- The primary emphasis on Maine's CCA is the support of jail placements. (80 percent of CCA funding in Maine goes for jail operations).
- Those funds available for community programming in Maine's counties (20 percent of the county CCA funds) are required to be used by counties according to the definition of community programs found in the act which allows considerable discretion by county officials to decide which community programs these funds are used for. Consequently, a county may use this 20 percent for a variety of both community and jail-based programs.
- Local planning for use of CCA funds by counties has limited participation from other local agencies and service providers. There is no Community Corrections Board or Planning Authority to guide and monitor the use of CCA funding for community-based corrections services.

FUNDING FORMULAS

The CAAC reached a strong consensus on the priorities that should guide the state's financial investment in local corrections:

1. Provide an incentive for counties to implement innovative and effective evidence-based practices to reduce recidivism and provide long-term control over the upward trend in county jail inmate days.
2. Increase funding for community-based programs.
3. Ensure that state funding of jail operating costs is distributed on an equitable basis.

The CAAC's first priority can be addressed through developing an incentive fund with an annual appropriation of between \$2-\$3 million. This fund will allow for the award of competitive grants to counties for a variety of purposes including expanding community corrections, regional programs, and other efforts to improve the efficiency and effectiveness of the correctional system. Awards would be made in areas such as pretrial diversion, pretrial release, transition, specialty jails, regional cooperation, and deferred disposition programs. Grants should be awarded based on considerations of improved efficiency, offender and court docket reduction, consolidation of resources, reduced recidivism, and improved methods for the delivery of services. Wherever applicable, grant applications and awards should be based on established evidence-based practices.

If such a fund is established, the CAAC's second priority – increased funding for community-based programs – would be accomplished. However, if an incentive fund is not created, CAAC members support designating any state-provided increases in local correctional funding to community corrections until the current ratio of 80 percent jail subsidy to 20 percent community corrections funding reaches 70 percent subsidy, 30 percent community corrections, the ratio established in the original CCA prior to its amendment in 1997.

The CAAC's third priority, the equitable distribution of jail subsidies, will require a revision to the current formula. In 1997, the Legislature changed county CCA funding from a reimbursement to a subsidy. Under the old allocation system, the amount of funding a county received was based on that county's percentage of total statewide county inmate days. In 1997, the percentage of state funding that a county received was frozen based on that county's inmate days percentage in FY 96/97. For example, since Cumberland County had 17.6 percent of total jail inmate days in FY 96/97, it currently receives 17.6 percent of total state CCA funding without regard to its current percentage of inmate days. The CAAC concluded that the existing distribution formula no longer reflects reality, has no conceptual underpinning, and does not reflect demographic and population changes that have taken place since 1997.

The CAAC recommends that each county's percentage of statewide jail inmate days be calculated for the last fiscal year for which data is available. If a county's percentage results in a lower subsidy than it currently receives, that county would be "held harmless" and see no reduction (and, conversely, no increase) in funds. If the county's percentage results in a subsidy higher than it currently receives, that county would see an increase in funding to move the system toward greater equity.

Assuming incremental increases to the state appropriation for local corrections, the CAAC estimates that the new formula can be phased in over a three-to-five year period. This revised allocation formula should be implemented immediately if an incentive fund is created. If an incentive fund is not provided, this formula should only be implemented after the percentage share of community corrections funding has reached 30 percent, as discussed above under our priority to increase community corrections funding. It is important to take into consideration the fact that the CAAC has other recommendations that address

the use of community corrections funds and that will serve to ensure appropriate accountability and use of these funds.

FACILITATING INTERAGENCY COLLABORATION

For a system to be truly efficient, it is vital that mechanisms must be in place that requires all key system participants to cooperate and coordinate their efforts in a manner that optimizes limited resources and improves results. CAAC members supported the creation of local criminal justice coordinating councils along with a statewide council to facilitate the interagency coordination necessary to ensure the most efficient and effective criminal justice system.

- A. Develop and recommend appropriate sentencing and sanctioning options including incarceration and community supervision and services.
- B. Review and monitor the use of community corrections funding by counties to ensure compliance with the Act.
- C. Provide technical assistance to local planning councils in planning, developing and monitoring community-based programs based on evidence-based practices where applicable.
- D. Determine the allocation and distribution of CCA funding and jail operations subsidies to counties based on each county's average daily population as a percentage of the total average daily population of all jails.
- E. Monitor the equitability of the distribution formula and recommend changes where appropriate.
- F. Support improved local services for persons charged with criminal offenses with the goal of reducing the occurrence of repeat criminal offenses.
- G. Promote the use of the most effective criminal sanctions necessary to protect public safety, administer punishment of the offender, and rehabilitate the offender.
- H. Enhance, increase, and support the state-county partnership in the management of offenders.
- I. Promote and support the use of evidence-based practices and managing the risk and needs of offenders and pretrial defendants.
- J. Establish criteria for and review grant applications from local planning councils for the use of the Correctional Program Incentive Fund and determine which applications will be approved and the level of funding to be granted.

Recommendation Seven

Develop a State Sentencing and Corrections Practices Coordinating Council to work closely with universities and researchers to review ongoing data collection and analysis on recidivism, sentencing practices, and programming to inform system change. The Council would report annually to the Legislature so that studies can be used to make data-based decisions about corrections funding and programs. In addition, the Council would assist counties in pooling resources to develop regionalized correctional programs, provide training and support to stakeholders and community members on evidence-based practices, review and approve applications for assistance from the Correctional Program Incentive Fund, and share information on successful programs that have been implemented. Up to 10 percent of the Correctional Program Incentive Fund would be allocated for the purposes of data collection, analysis, and research.

The next section provides an update on prior topics covered by the CAAC in the Interim Report. These topics reflect much of the CAAC's conviction that the corrections system should be viewed as a single entity rather than as discrete parts. The CAAC believes that modifications can be made in each of the following areas: Use of Technology, Inmate Transportation, and Medical Care to increase general efficiency and manage costs.

PRIOR TOPICS FROM INTERIM REPORT

When the CAAC issued its Interim Report in December 2005, the following three topics were important areas of study: use of technology, inmate transportation, and pharmaceuticals and medical care. This section provides an update on the recommendations that came from these topics. The CAAC acknowledges the positive efforts of the Judicial Branch in addressing the recommendations identified in the Interim Report.

USE OF TECHNOLOGY

The CAAC presented the following recommendation in the Interim Report: **Enhance capacity to manage system performance through information technology and alignment of practice.** Accompanying this recommendation and the other interim recommendations were a series of action steps designed to accomplish the recommendation. Listed below are the action steps offered on technology use:

Action Steps:

- Identify diverse counties to participate in expanded CORIS pilot.
- Create a pilot project planning committee to include representatives of county jurisdictions, MDOC, and other appropriate stakeholders. This committee would help formulize and focus an initiative that is currently underway within MDOC and assist in getting the word out about the benefits of such a system.
- Implement a project-planning process to include the identification of issues and opportunities, the feasibility of integration among diverse systems, the development of shared goals and performance measures for the initiative, the opportunity for standardized correctional practices, the establishment of design criteria and action steps.
- Identify information technology partners, resources, and peers to ensure the leveraging of appropriate knowledge and resources.
- Establish evaluation mechanism to determine pilot's success and viability.
- Initiate education process to provide information as to what was learned through the pilot and to promote, recruit, and begin expansion around what works.

Update:

In March 2006, MDOC and Knox County implemented an offender management system pilot using a slightly modified version of CORIS. The Knox County version of CORIS was emptied of MDOC client data, customized for Knox County good time sentence calculations, and 'housed' at the MDOC data center in the AMHI Complex. This pilot project served two purposes: 1) Moving Knox County away from a paper-based system and giving it an electronic offender management system, and 2) Providing practical experience for MDOC/xwave/CORIS in a county jail environment. This was intended to be only an interim solution until a fully functional CORIS County Module could be delivered.

CORIS has provided some benefits to Knox County, but significant further customization is required for CORIS to work well in the jail environment. In addition, changes to the CORIS security model are needed to enable MDOC and Knox County to share the same CORIS database. Although xwave (builder of CORIS) is under contract to build the required customizations into CORIS, the date at which

they can began development on the County Jail Module is yet to be determined given their existing contractual obligations to Maine and other states.

INMATE TRANSPORTATION

The CAAC adopted the following recommendation in the Interim Report: **Decrease transportation costs while improving efficiency through the use of video conferencing technology for medicine, psychiatry, civil and criminal proceedings, probation violation hearings and pre-sentence interviews; and investigate the effectiveness and efficiency of a statewide transportation network.** Listed below are the action steps offered on Inmate Transportation:

Action Steps:

- Identify diverse counties to participate in a video-conferencing pilot.
- Ensure the effective use of video-conferencing as resource for reducing transportation costs related to court scheduling and medical and mental health services.
- Identify the effectiveness and efficiency of establishing a transportation network to reduce cost and redundancy of transportation statewide.
- Use stakeholder processes, policies, and practices that address unnecessary transportation to court proceedings.
- Support the Chief Justice's event-certainty initiative. Request that the Chief Justice shares 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 that resources are available to do this and to adapt policies and practices related to continual improvement of a collaborative, effective, and efficient court-scheduling process.

Update:

In the summer of 2006, a Subcommittee met to develop standards for online video hearings in MDOC facilities. The judicial branch and members of MDOC discussed protocols to allow inmates in prison to have access to judicial proceedings. The judicial branch is currently using video conferencing technology in hearings involving witnesses and prisoners in other states.

In county jails, video arraignments are currently occurring in Kennebec, York, and Aroostook Counties. It is expected that more counties will have video conferencing capabilities in 2007.

The Judicial Branch is currently one year into a new court scheduling arrangement. Initial reports are that there have been improvements in disposing of priority cases (interpersonal violence, family matters, and criminal cases). The Judicial Branch will release an impact report with more detailed information during the first quarter of 2007.

Despite the reported improvements with case processing, new judicial resources are needed to meet national best practices standards. Funding for four new judges has been appropriated, and these positions are scheduled to be filled early in 2007 with three serving at the District Court level and one serving in the Superior Court. Two of the judges will be assigned to a new business court, which will

expedite business-related litigation that often faces delays in the existing court system. Assigning new positions to the business court will free up resources for family law, criminal, and other court cases to help move those more efficiently.

PHARMACEUTICALS AND MEDICAL CARE

The CAAC adopted the following recommendation in the Interim Report: **Establish mutually agreed to policies and practices for ordering and managing pharmaceuticals including the administration of blister packs.** Listed below are the action steps offered on pharmaceuticals:

Action Steps:

- Develop agreed to objectives and criteria for a RFP and an appropriate vendor list for distribution. As part of this work:
 - Identify needs, interests, opportunities and barriers related to the purchasing and use of pharmaceuticals by engaging decision-making representatives of sheriffs' departments, jails, MDOC, and other key stakeholders.
 - Identify pharmaceutical cost drivers including those five to eight drugs that make up 50 to 75 percent of the cost.
- Establish appropriate formulary including assessment of generic versus branded medications, opportunities for expanding use of generic 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 costs 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 that may include evidence-based, clinical/treatment guidelines; training; monitoring of costs and utilization – by total aggregate, by facility, by provider.
- Explore benefits of consultation with pharmaceutical benefits manager who might help develop formulary, analyze utilization and cost: assist with RFP criteria, assist with working with physician leaders on training.
- Identify opportunities for continuity of care that include enabling those offenders leaving confinement to take appropriate medications with them.

The CAAC adopted the following recommendation in the Interim Report: **Assess and effectively manage contract specialty cost drivers such as inpatient hospitalization.** Listed below are the action steps offered on Medical Care:

Action steps:

- Identify stakeholders and engage them in identifying cost and quality driver of specialty care to include the five to eight diagnoses that either makes up 50 to 75 percent of costs or number of cases. Look at rates in increase in specialty care and pharmaceuticals.
- Assess outpatient care policies and procedures related to outpatient care to see where there are opportunities for reductions in both cases and costs.
- Determine more cost effective means of delivering quality service that may include teleconferencing.

- Support the use of MaineCare to pay for medical costs for offenders.
- Explore availability and cost-benefits associated with catastrophic care insurance.

Update:

In response to the CAAC Interim Report's recommendations, MDOC agreed to facilitate exploring a system-wide cooperative agreement between the jails and the state regarding pharmaceuticals. MDOC amended its contract with its current pharmacy provider, extending current services, in order to allow time for this project. In response to a letter sent to the county jails soliciting interest in this effort, six counties (Kennebec, Knox, Penobscot, Twin Bridges, Waldo and York) partnered with MDOC and formed the Pharmacy RFP Work Group.

The Work Group began meeting in late spring 2006. Meetings were held throughout the summer to develop a RFP that would address the pharmacy needs of the participants. In addition to the input of the participants, consultation was sought from the Maine State Board of Pharmacy, State Division of Purchases, and MDOC's Healthcare RFP consultant.

Highlights of issues discussed during RFP development included:

- Cost
- Scope of services
- Clinical issues
- Utilization data
- Blister packs
- Formulary development
- Standardization
- Continuity of care

Challenges encountered:

- Lack of available utilization data from county jails
- Impact of multiple medical and pharmacy providers
- Concern over impact of not purchasing locally

On October 18, 2006, MDOC and its county jail partners issued the first joint RFP for pharmaceutical services in the history of Maine's correctional system. In the end, five county jails elected to participate. The response to the RFP has exceeded participant expectations. At the time of this update, five vendors have submitted proposals to provide pharmacy services to the 13 facilities covered by the RFP. An evaluation team, made up of representatives from the participating jurisdictions, will select a vendor with an anticipated start date of February 1, 2007.

Regarding medical care for prisoners, MDOC has had success in developing a system to enroll eligible prisoners in the MaineCare program in order to access the limited benefits allowed for incarcerated persons. MDOC, in collaboration with the state's medical provider, is currently able to share its approach with the county jail system, including any established protocols and practices. These protocols could be offered to the counties in spring 2007.

CONCLUSIONS AND RECOMMENDATION TABLES

After 17 months of careful study, assessment, and discussion, the Committee arrived at seven general conclusions that pinpoint underlying problems and provide the basis for our specific recommendations to help Maine better manage its correctional system. These conclusions are listed below:

CONCLUSIONS

1. **The rising number of inmates is primarily driven by policies and practices within the criminal justice system.** The data on county jail populations shows that the majority of those incarcerated in jails (67 percent) are awaiting trial and are not convicted offenders serving sentences. Changing pretrial procedures to reduce the average length of stay awaiting trial (currently averaging 65 days) should therefore be a priority. The length of stay for pretrial offenders in jails varies from jurisdiction to jurisdiction.
2. **Using evidence-based practices to manage offenders appropriately by risk and need can significantly reduce recidivism.** The CAAC'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. Reducing the recidivism rate also reduces the ranks of the incarcerated and relieves the entire criminal justice system of the costs associated with recycling people through the system. The application of evidence-based practices also suggests that for a small group of offenders, their risk to the public is so great, and their potential for rehabilitation is sufficiently small, that greater emphasis on incarceration or separation from the public for longer periods may be warranted.
3. **Funding mechanisms need to be designed to encourage best practices.** Community Correction Acts (CCAs), as one example, can be used strategically to support community-based supervision, counseling, day treatment, and other evidence-based practices designed to treat offenders appropriately and reduce recidivism.
4. **Various components of the correctional system need to be better integrated.** In general, there needs to be more cooperative relationship between the components of the system, such as between the county jails and state prisons. If partnerships can be formed, modifications could be made to increase general efficiency and manage costs. For example, if individual counties and the state purchase commodities such as pharmaceuticals collectively, cost savings and efficiencies in the correctional system may result.
5. **Technology, when used appropriately, can make the system operate more efficiently and reduce other cost drivers.** Videoconferencing is one case where technology can limit costs by reducing the need to transport inmates. Moreover, enhanced Inmate Management Systems may increase our understanding of costs within the system so that management and treatment processes can be put into place to address those areas.
6. **Leadership is needed to help drive and facilitate cooperative planning, purchasing, networking, and implementation of more cost effective and efficient initiatives.**

Recommendations for change, or even legislation authorizing change, are insufficient to create change without a structure and commitment that can cause meaningful results.

7. **In reviewing Maine's decentralized system, there are a number of examples of good programs and practices in individual counties and within the state system as well. These practices should be shared statewide and should be supported in their implementation.**

REFORM MAINE'S BAIL SYSTEM

Maine's bail system must be reformed to ensure compliance with both the purpose of bail and the defendant's legal and constitutional rights. Revisions to the Maine Bail Code, modification of the standardized conditions of release form, improved access to criminal records, a redesign of the current system for initial pre-conviction bail setting, expansion and restructuring of pretrial services, and implementation of Automated Fingerprint Identification Systems (AFIS) in jails are all necessary to ensure compliance with the law and provide for the most efficient, effective, and just bail system in Maine.

REFORM MAINE'S BAIL SYSTEM				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Revise the bail code to allow for consideration of community safety when setting pre-conviction bail. [PT Rec. 1]	Yes	Minimal/OT	No	3
2. Revise the standardized Conditions of Release form consistent with the Maine Bail Code and U.S. Constitution. [PT Rec. 2]	No	Minimal/OT	No	3
3. Improve access to SBI and NCIC records. [PT Rec. 3]	Unknown	Low/OT Min/OG	No	2,3
4. Implement Automated Fingerprint Identification Systems in jails. [Pretrial (PT) Rec.4]	No	Low to Mod/OG	No	2,3
5. The Maine District Court is encouraged to improve the selection, training, and oversight of bail commissioners. [PT Rec. 5]	Yes	Min/OT	PT1, PT2 (S)	1,3
6. Minimum standards should be developed regarding the information provided to bail commissioners when setting pre-conviction bail [PT Rec. 6]	Yes	Moderate/OG	PT1, PT2 (S)	1,3
7. The current system for bail commissioner compensation should be reformed to remove any financial incentive that could influence bail-setting practices and to ensure that commissioners are adequately compensated for their services in all circumstances. [PT Rec. 7]	Yes	Moderate/OG	PT1, PT2 (S)	1,3
8. Develop and implement a policy to address the release of defendants who are unable to secure the bail fee PT Rec. 8]	Yes	Low/OG	PT1, PT2 (S)	1
9. Expand, restructure and re-engineer pretrial services in a manner that accommodates CCA-related recommendations. [PT Rec. 9]	No	High/OG	PT1, PT2, PT3	1,3
10. Expand pretrial services in order to conduct comprehensive pretrial investigations when bail is likely to be considered.[PT Rec. 10]	No	High/OG	PT1, PT2, PT3	1,3

IMPROVE PRETRIAL CASE PROCESSING EFFICIENCY

Opportunities exist within Maine's system for pretrial case processing for increased efficiency system-wide. Recommendations also include county-specific practices that can serve as models for other counties. An examination of the current practices of key system participants, the identification of causes of case processing delays and the implementation of case processing efficiency measures are necessary to ensure the most effective case processing. Revising policies related to court attorney appointment, drug treatment court admissions, grand jury summoning, and the presence of Lawyers of the Day at initial appearances can all lead to significant efficiency gains in case processing. Additional Maine Judicial Branch resources focused on the "front end" of the system will produce significant improvements in efficiency, effectiveness, and pretrial justice.

IMPROVE PRETRIAL CASE PROCESSING EFFICIENCY				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Review and revise as needed court-appointed, attorney-related policies to reduce delays in attorney appointments. [PT Rec. 11]	No	Minimal/OT	No	1
2. Examine practices of key system participants, identify causes of court case processing delays and corresponding solutions, and implement identified case processing efficiency measures. [PT Rec. 12A]	No	Min to Low/OT	No	1,2
3. Pursue additional resources for the Maine Judicial Branch to keep up with increasing caseloads in the trial courts. [PT Rec. 12B]	No	Mod to High/OG	PT12A (S)	1
4. Examine the need for additional prosecutor and other case-processing-related resources to ensure the most efficient case processing. [PT Rec. 12C]	No	Unknown	PT12A, PT12B	1
5. Review and revise adult drug treatment court admissions policies to reduce delays in program admissions. [PT Rec. 13]	No	Minimal/OT	No	1
6. Take steps necessary to provide a Lawyer of the Day (LOD) for all initial appearances in Piscataquis and Franklin Counties. [PT Rec. 14]	No	Minimal/OG	No	1
7. Review and revise as needed the frequency with which a grand jury is summoned in each Superior Court. [PT Rec. 15]	No	Minimal/OG	No	1

Sentencing and related decisions, including the setting of bail, must be tied to offender risk level. To do this, sentencing judges and post sentencing agencies must use a validated risk assessment method that meaningfully differentiates between offenders who are high, moderate, or low risk. Length of supervision and the services provided must be clearly tied to an offender's risk level. Sentencing judges need to have options at their disposal that are appropriate for the risk level of the offenders being processed.

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ENSURE THE AVAILABILITY OF AN EVIDENCE-BASED TREATMENT/SANCTION CONTINUUM

Judges must have a full range of EBP treatment/sanction options available to them, whether at a bail hearing or at the time of sentencing. Recidivism can be reduced through creating a continuum that does not rely solely on surveillance techniques (electronic monitoring, curfews, increased reporting). A balanced continuum of intermediate steps must include options, which increase the likelihood of compliance in the future.

ENSURE THE AVAILABILITY OF AN EVIDENCE-BASED TREATMENT/SANCTION CONTINUUM				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Develop a continuum of correctional alternatives to respond to probation revocations. [SP Rec. 6]	No	High/OG	No	1,2,3
2. Establish clear policies and incentives that ensure that public dollars invested in correctional programs are evidence-based. Support language in the Community Corrections Act Funding that gives additional incentives to counties that develop programs adhering to evidence-based practices. [CCA 5, SP Rec. 9]	Yes	Minimal	No	1,3
3. Encourage the referral and use of services and/or agencies that use evidence-based practices and treatment models. [SP Rec. 10]	No	Minimal/OG	No	1,3

DISSEMINATE AND USE EBP INFORMATION IN DECISION MAKING

The most effective strategy for reducing recidivism is through a comprehensive, system-wide approach to the application of evidence-based practices. Sentencing policy changes alone will not reduce recidivism. Reducing recidivism through evidence-based practices is the key to enhancing public safety and reducing harm to the victims and the community. All relevant stakeholders, including the victims and members of the community, must be knowledgeable about evidence-based practices and understand how they relate to overall public safety goals.

DISSEMINATE AND USE EBP INFORMATION IN DECISION MAKING WHEREEVER APPROPRIATE

Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Create a web-based directory of resources and diversion alternatives. [SP Rec. 11]	No	Minimal to Moderate/OG	No	1,2,3
2. Advocate for using the next Sentencing Institute 2007 to promote the dissemination of information and training on evidence-based practices as they relate to sentencing alternatives. [SP Rec. 12]	No	Low to Mod/OT	No	1,2,3

FACILITATE INTERAGENCY COORDINATION

For a “system” to be truly efficient, it is vital that mechanisms be established whereby all key system participants work in cooperation and coordination and in a manner that optimizes limited resources and results in the most efficient processing of pretrial cases through the criminal justice system. Local criminal justice coordinating councils in conjunction with a statewide council are proven vehicles to facilitate the interagency coordination necessary to ensure the most efficient and effective criminal justice system.

FACILITATE INTERAGENCY COORDINATION				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Review and revise policies related to the use of summonses [PT Rec.16]	No	Minimal/OT	No	3
2. Establish a warrant repository in Cumberland County[PT Rec. 17]	No	Minimal/OT	No	1,2,3
3. Review and revise policies related to victim notification of release[PT Rec. 18]	No	Minimal/OT	No	3
4. Develop and implement minimum jail data collection requirements[PT Rec. 19]	No	Moderate/OG	No	1,2,3
5. Review and revise policies as needed related to probable cause affidavit from law enforcement[PT Rec. 20]	No	Minimal/OT	No	1,3
6. Implement audiovisual devices in each jail that are compatible with the court’s infrastructure, and for initial appearances and other hearings[PT Rec. 21]	No	Moderate/OG	No	1,2
7. Develop and implement a policy that provides guidance to probation officers regarding appropriate responses to violations of probations consistent with evidence-based practices [PT Rec. 22]	No	Minimal/OG	No	1,2,3
8. Each county shall develop or partner with other counties to create a local coordinating council to serve as a systems coordination and problem-solving body. [CCA Rec. 6]	Yes	Minimal/OG	No	1,2
9. Develop and maintain a State Sentencing and Corrections Practices Coordinating Council to work closely with researchers / universities to review ongoing data collection and report to the Legislature annually. [CCA Rec. 7]	Yes	Min to Low/OG	No	1,2,3

INCREASE FINANCIAL SUPPORT FOR COMMUNITY CORRECTIONS PROGRAMS AND SEPARATE FROM JAIL SUBSIDY

The CAAC emphasized that funding for community corrections programs should be separated from state subsidies for the on-going operation of county jails. Separating these two funding streams will emphasize the importance of community corrections programs as a means to improve the efficiency and effectiveness of our correctional system. The CAAC also recommends that, on an interim basis, increases in state support for local corrections should be targeted to community corrections programs until the community corrections portion of all state support to local jails and programs reaches a set, higher percentage.

INCREASE FINANCIAL SUPPORT FOR COMMUNITY CORRECTIONS PROGRAMS AND SEPARATE FROM JAIL SUBSIDY				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Create a Correctional Program Incentive Fund to improve the overall operation of the correctional/criminal justice system through the use of EBP. [Community Corrections Act (CCA) Rec. 1]	Yes	High/OG	No	1,2,3
2. Separate the jail subsidy from community corrections funding and create three distinct funding streams [CCA Rec. 2]	Yes	High/OG	No	1,2,3
3. Increase community corrections programming funding to a ratio with jail subsidy of 30/70. [CCA Rec. 3]	Yes	High/ OG	Yes	1,2,3
4. Define clear objectives, performance measures, and outcomes for CCA program funding. [CCA Rec.4]	Yes	Minimal	No	1,3

APPENDIX

A. Corrections Alternatives Advisory Committee Members

Commissioner Marty Magnusson Co-Chair Maine Department of Corrections	Sheriff Scott Story, Co-Chair Waldo County Representing Maine Sheriffs' Association
Peter Baldacci Chairman, Penobscot County Representing the Maine County Commissioners Association	Ed Barrett City Manager, Bangor Representing Municipalities
Hartwell Dowling Diversion & Rehabilitation Coordinator Representing the Judicial Branch	James Foss Aroostook County Jail Representing Statewide Association of County Jails
Evert Fowle District Attorney Representing Prosecutors	Denise Lord Associate Commissioner Department of Corrections
The Honorable Robert Mullen Deputy Chief Judge Maine District Court	Ralph Nichols Director of Inspections Quality Assurance and Professional Practices Department of Corrections
The Honorable Leigh Saufley Chief Justice Supreme Judicial Court	<i>William Bridgeo*</i> <i>City Manager, Augusta</i> <i>Representing Municipalities</i>
<i>Esther Clenott*</i> <i>Representing Maine County Commissioners Association</i>	<i>The Honorable Robert Clifford*</i> <i>Representing the Supreme Judicial Court</i>
<i>Harold Doughty*</i> <i>Associate Commissioner</i> <i>Department of Corrections</i>	<i>Michael Vitiello*</i> <i>York County Jail</i> <i>Representing Statewide Association of County Jails</i>
<i>Sheriff Mark Westrum*</i> <i>Sagadahoc County</i> <i>Representing Maine Sheriffs' Association</i>	
* alternate	

B. Subcommittees

SENTENCING PRACTICE SUB-COMMITTEE MEMBERS

Commissioner Michael P. Cantara Chair Maine Department of Public Safety	Neale Adams, Esq. District 8 Aroostook County Courthouse
Nicky Blanchard Coalition to End Domestic Violence	The Honorable Arthur Brennan York County Courthouse
District Attorney Norman Croteau, Esq. District 3 Androscoggin County Courthouse	Senator Bill Diamond Criminal Justice Committee
Harold Doughty Maine Department of Corrections	Hartwell Dowling Maine Judicial Branch
Nancy Downs Adult Community Corrections	Neale Duffett, Esq. Cloutier, Barrett, Clutier & Conley
District Attorney Evert Fowle Kennebec County Courthouse	Denise Giles Victim Advocacy Program Maine Department of Corrections
Chief Philip Harriman Maine Chiefs of Police Association	Marion Hylan-Barr Esq. Office of Policy & Legal Analysis
Denise Lord Maine Department of Corrections	Ralph Nichols Maine Department of Corrections
John Pelletier, Esq. Goodspeed & O'Donnell	Lois Galgay Reckitt Family Crisis Services
Sheriff Glenn Ross Penobscot County Sheriff's Office	District Attorney Geoffrey Rushlau Knox County Courthouse
Elizabeth Ward Saxl Maine Coalition Against Sexual Assault	Robert Schwartz Maine Chiefs Association
William Stokes Office of Attorney General	John Webb, Esq. Nichols & Webb, PA

PRETRIAL STUDY PROJECT TEAM

Cheryl Gallant, Onsite Project Manager	Mary Ashton, National Institute of Corrections
Commissioner Michael P. Cantara, Maine Department of Public Safety	Harold Doughty, Maine Department of Corrections
Hartwell Dowling, Maine Judicial Branch	Neale Duffett, Cloutier, Barrett, Clutier & Conley
Evert Fowle, Kennebec County Courthouse	Denise Lord, Maine Department of Corrections
The Honorable Robert Mullen, Maine District Court	Pat Murtagh, Volunteers of America
Ralph Nichols, Maine Department of Corrections	Glen Ross, Penobscot County Sheriff's Department
Mark Rubin, Muskie School of Public Service	Elizabeth Simoni, Maine Pretrial Services
Marie VanNostrand, Ph.D., Luminosity, Inc.	Michael Vitiello, York County Jail

C. List of CAAC Meetings

August 23, 2005
September 21
October 6
October 17
November 1
November 15
December 16
December 21
January 17, 2006
February 8
May 25
June 8
July 13
August 2
August 23
September 14
September 27
October 12
October 25
November 16
November 29
December 6
December 14

D. 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:

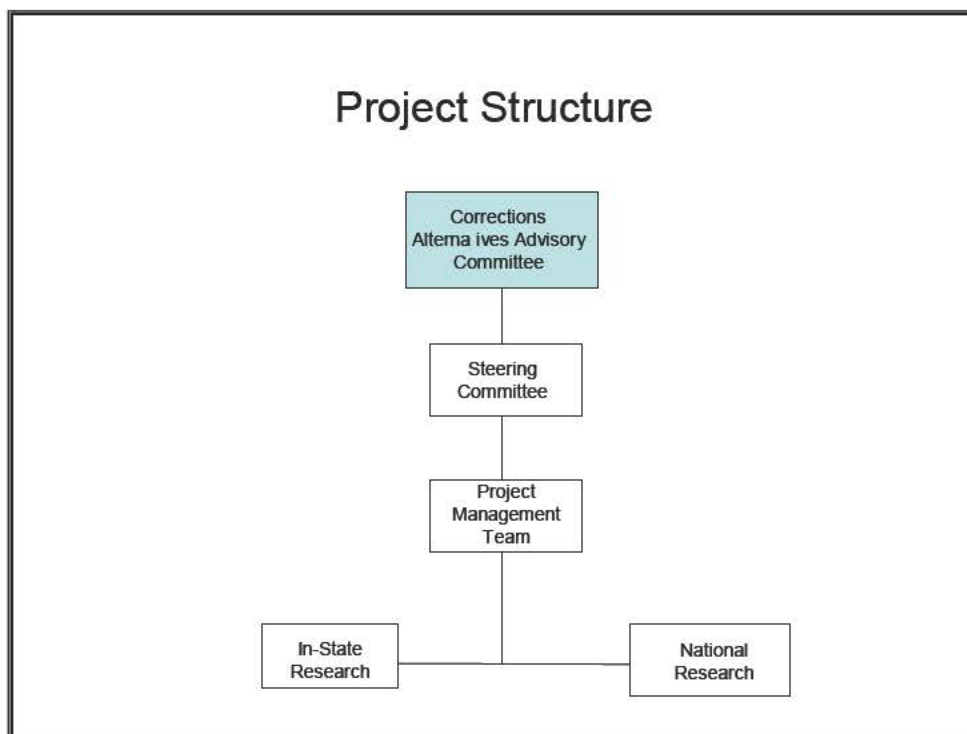
1. **Increase Whole System Efficiencies.** The CAAC and involved stakeholders recognized that the Committee’s work needed to look at the whole correctional system – how work gets done between and among state and local components – to see what was driving cost and inefficiencies and how system-wide improvements could address both short-term and long-term resource constraints.
2. **Enhance State and County Coordination.** Historically, the corrections system in Maine has operated as 17 independent organizations: MDOC and the 16 counties. It was immediately apparent to Committee members that better coordination and collaboration was essential to minimize waste and streamline operations. Coordination and collaboration is needed between 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.
3. **Appropriately Manage Offenders’ Risk and Needs.** Over the years, a tradition of policies and practices has shaped corrections in Maine, as it has in other states. While some of these 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 because of its foundation in the evidence-based policy and practice work that is shaping the modern field of corrections.

At the beginning of its work, the CAAC constructed an organizational structure. “Given our objectives,” the Committee asked, “what strategy will best help us to meet them?” At the initial meeting in August 2005, the Committee asked the National Institute of Corrections (NIC), a federal agency within the U.S. Department of Justice, to help facilitate the process and provide technical assistance. Mary Ashton and Phyllis Modley from NIC joined the CAAC in September, bringing expertise and an outside perspective. The Committee also retained Cheryl Gallant as an on-site project manager.

- Open thinking and thoughtful process reflecting a willingness to explore ideas and issues from “outside the box”;
- Engaging and educating stakeholders in a way that strengthens knowledge-base, understanding, and ownership;
- Collaboration in regards to process and resources;
- Building on innovations and strengths within the current system;
- Clarity around what we want and need to accomplish – both short term and long term;
- Decision-making based on best available data and evidence-based practice.

- 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
- Cheryl Gallant, Project Manager
- 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, Dept. of Corrections
- Mark Rubin, Research Associate, Muskie School of Public Service
- Michael Vitiello, Jail Superintendent, York County, Vice President of Maine Jail Administrative Association

The Project Structure model (below) depicts the alignment between the Corrections Alternatives Advisory Committee, the Steering Committee, and the Project Management Team:



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

F. Stakeholder Input

Early in its process, the CAAC concluded that it needed to view the entire correctional system to receive input from representatives of as many system components as possible. The CAAC reached out to: state and county administrators, judges and prosecutors, law enforcement, parole officers, nonprofit service organizations, victims, and prisoners and their families. The CAAC strove to make research, discussion, and decision-making a collaborative process and with the help of the Project Management Team. Stakeholders were involved through discussion, surveys, one-on-one interviews, and presentations at CAAC meetings. This involvement led to a better understanding of issues and has helped to identify findings and recommendations that represent the ideas and concerns of diverse groups. The CAAC broadcast all meetings widely and encourage attendees to participate, rather than simply observe, the meetings.

Stakeholders involved included representatives from:

- City of Bangor
- Maine Department of Corrections
- Maine Judicial Branch
- Statewide Association of County Commissioners
- Statewide Association of County Jails
- Waldo County Sheriff's Office/Statewide Association of Maine Sheriffs
- Attorney General's Office
- Central Maine Pre-Release Center
- City of Augusta
- Cumberland County Sheriff's Office
- Kennebec County District Attorneys Office
- Kennebec County Sheriff's Office
- Knox County Sheriff's Office
- Maine Association of Criminal Defense
- 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 Sheriffs; 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 Office
- Volunteers of America
- Waldo County Sheriff's Office
- xwave
- York County Sheriff's Office

PART J

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:

- 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.

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

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

H. A Primer on Evidence-Based Practices (EBP)

INTRODUCTION

Research efforts based on careful statistical analysis (meta-analysis) of hundreds of research studies have provided the field with scientifically proven indications of how to reduce offender recidivism. These studies have demonstrated that rehabilitation can work for certain types of offenders (Cullen & Gendreau, 2000). On average, the best program can reduce recidivism rates by up to 30 percent or more.

The research studies have identified many programs that reduce recidivism, the types of services most likely to be effective, and which offenders respond most favorably. What works is appropriate correctional services that are:

- 1) Offered to higher risk rather than lower risk cases;
- 2) Targeted toward factors that link with criminal behavior;
- 3) Matched with offender learning style and characteristics.

Evidence-based practice starts with good assessments that conform to three principles: the risk, need, and responsivity principle (Andrews, Bonta and Hoge, 1990). Application of the risk principle helps identify *who should receive treatment*, the criminogenic need principle focuses on *what should be treated*, and the responsivity principle underscores the importance of *how treatment should be delivered*.

RISK PRINCIPLE

The risk principle embodies the assumption that criminal behavior can be predicted for individual offenders on the basis of certain factors. Some factors, such as criminal history, are static and unchangeable. Others, such as substance abuse, antisocial attitudes and antisocial associates, are dynamic and changeable. With proper assessment of these factors, researchers and practitioners have demonstrated that it is possible to classify offenders to their relative likelihood of committing new offenses.

Application of the risk principle requires matching levels of intensity of treatment with the risk levels of offenders. The extremely high risk offenders should receive sanctions that provide high levels of structure, supervision, and/or incapacitation so that at least during the time they are under correctional supervision their risk is being managed. Research has shown that placing offenders who are lower risk in structured programs, both treatment and supervision-oriented, can actually increase recidivism (Lowenkamp & Latessa, 2005). Low risk means the individual is not likely to reoffend; therefore, low risk offenders benefit from low intensity or no intervention at all. Appropriate responses include fines, community work service, and attending a one-time class. The risk principle has been confirmed by research in corrections for more than a decade (Lowenkamp & Latessa, 2006).

NEED PRINCIPLE

Risk assessment instruments measure the probability that an offender will reoffend and specifically what factors (criminogenic needs) will contribute to the criminal behavior. Different risk assessments are designed to assess different types of risk. Research indicates an inability of prediction tools to generalize across offender populations (Wright, Clear, and Dickenson, 1984).

The Criminogenic Need Principle states that certain needs are directly linked to crime. Extensive research on recidivism among the general criminal population has identified a set of factors that are consistently associated with subsequent criminal behavior. These factors include being young, having an unstable employment history, abusing alcohol and drugs, holding pro-criminal attitudes, and associating with other criminals. Criminogenic needs constitute dynamic risk factors or attributes of offenders that when targeted and changed, influence the probability of reduced recidivism. Effective treatment should be targeted toward these needs; any treatment not targeting criminogenic needs is counterproductive to efficiency and effectiveness.

RESPONSIVITY PRINCIPLE

According to Dana (1993) consideration of gender issues, ethnicity, age, learning style, social background, and life experiences all contribute to the engagement of clients in treatment. Failure to address these factors may contribute to inaccurate assessment of the motivation or readiness of individuals referred to treatment, not to mention inaccurate assessment of risk and need. Programs that assess responsivity with standardized reliable and valid assessment tools can better match clients to therapist and setting characteristics thereby improving treatment outcomes.

The primary tenet of social learning theory is that people can learn new behaviors, attitudes, and feelings by observing other people and events followed by individual practice of appropriate

thoughts and behaviors. Appropriate approval and disapproval, an organized structure of sanctions and rewards, recognition and appreciation of consequences, the use of offenders as peer role models and a structure of communication and daily activities are the primary techniques used in correctional applications of social learning (Gornik, 2001). Treatment should target criminogenic needs and match the characteristics of the offender, the therapists, and program in such a way as to motivate the offender to participate and provide optimal conditions for learning. The treatment should be designed to provide continuing assistance and aftercare to the offender once the formal phase of treatment ends.

ELEMENTS OF EFFECTIVE TREATMENT

Effective programs have the following characteristics:

- Changing offender thinking and behavior that directly relates to criminal involvement;
- Matching the offender's own style of learning;
- Maintaining a well-structured program;
- Providing a committed well-qualified staff within a healthy community that supports positive values and behavior and use treatment models that have demonstrated effectiveness in reducing recidivism.

The research has shown that effective programs:

- Have detailed curriculums and manuals;
- Provide training to clients in pro-social behaviors;
- Have completion criteria based on acquisition of pro-social skills;
- Refer clients to other services;
- Train family members to provide support; and
- Provide aftercare.

Through its Monograph Series Project, the International Community Corrections Association has provided a summary of the research on the effects of correctional practices and treatment services. ICCA concluded the following:

- Cognitive-behavioral treatment that addresses deviant thinking patterns has consistently been found to be an effective rehabilitative strategy for both juveniles and adults.
- Behavior modification programs that are designed to shape and maintain appropriate behaviors until they are incorporated into the habit pattern of the offender have been effective in reducing recidivism.
- Multi-modal programs that target a variety of offender criminogenic and other risk factors have shown that they are amongst the most effective at reducing recidivism.
- Punitive correctional practices do not appear to have much overall deterrent effect on either the offenders for whom they are applied or to potential offenders motivated to avoid risking them.
- The research evidence does not indicate that routine probation or parole supervision practices or intensive supervision has subsequent effects on recidivism rates.
- Self-discipline and challenge programs have not been found to reduce recidivism.
- Restorative justice programs such as community service, restitution, victim offender mediation, have had very little positive effects on recidivism.
- Educational, vocational, and employment programs have produced positive but only modest

beliefs supportive of rehabilitation and relationship styles and therapeutic skill factors typical of effective therapies.

4. Client Risk/Need Practices

Psychometric instruments of proven predictive validity assess offender risk. The risk instrument consists of a wide range of dynamic factors or criminogenic needs (e.g., anti-social attitudes and values). The assessment also takes into account the responsivity of offenders to different styles and modes of services. Changes in risk level over time (three to six months) are routinely assessed in order to measure intermediate changes in risk/need levels that may occur as a result of planned interventions.

5. Program Characteristics

The program targets for change a wide variety of criminogenic needs (factors that predict recidivism), using empirically valid behavioral/social learning/cognitive behavioral therapies that are directed to higher-risk offenders. The ratio of rewards to punishers is at least 4:1. Relapse prevention strategies are available once offenders complete the formal treatment phase.

6. Core Correctional Practice

Program therapists engage in the following therapeutic practices: anti-criminal modeling, effective reinforcement and disapproval, problem-solving techniques, structured learning procedures for skill building, effective use of authority, cognitive self-change, relationship practices, and motivational interviewing.

7. Inter-Agency Communication

The agency aggressively makes referrals and advocates for its offenders in order that they receive high quality services in the community.

8. Evaluation

The agency routinely conducts program audits, consumer satisfaction surveys, process evaluations of changes in criminogenic needs, and follow-ups of recidivism rates. The effectiveness of the program is evaluated by comparing the respective recidivism rates of risk-control comparison groups of other treatments or those of a minimal treatment group.

AN EVIDENCE-BASED SYSTEM

In an evidence-based system, public safety and offender change are accomplished by risk control and risk reduction through an integrated system of sanctions and interventions. The programs being offered are evidence-based and contain the full continuum of services from assessment through aftercare/discharge and everyone who has anything to do directly or indirectly with an offender is focused on assisting that person to be successful.

An evidence-based correctional system includes the following characteristics (Gornik, 2001):

- It is supported by community and policymaker groups.
- It is supported by qualified and involved leadership.
- It is designed and implemented around proven theoretical models beginning with assessment and continuing through aftercare.
- It includes the use of standardized and objective assessments of risk and need factors to make appropriate program assignment for offenders.
- Its programs target crime producing attributes and use proven treatment models to prepare offenders for return to the community.

- It is implemented by well-trained staffs that deliver proven programs as designed.
- It is evaluated to ensure quality.

WHAT WORKS AND WHAT DOESN'T WORK FOR ADULT OFFENDERS

Evidence-based research reviews have shown that some programs work and others do not. Washington State Institute for Public Policy (2006) completed a meta-analysis of 291 rigorous evaluations conducted during the last 35 years.

- After reviewing 92 drug treatment programs, the Institute concluded that drug treatment led to a statistically significant reduction in criminal recidivism rates. This was true for adult drug courts, in-prison therapeutic communities, and drug treatment programs using cognitive-behavioral approaches.
- A review of 25 programs for the general population that employs cognitive-behavioral treatment found on average significant reductions in recidivism by 8.2 percent.
- Cognitive behavioral treatment for sex offenders on average was effective at reducing recidivism, but other types of sex offender treatment such as psychotherapy or treatment using only behavioral models, failed to demonstrate significant effects.
- Several intermediate sanctions and sentencing alternatives were evaluated in the study. Adult boot camps, electronic monitoring, intensive supervision without treatment, restorative justice for lower risk adult offenders did not produce statistically significant reductions in recidivism rates.
- Work and education programs for general offenders led to modest reductions in recidivism rates. These included in-prison industries programs, basic adult education, employment training and job assistance.
- Jail diversion programs for offenders with mental illness and co-occurring disorders, on average, have not demonstrated a statistically significant reduction in the recidivism rates of program participants.
- Domestic violence treatment programs have not yet, on average, demonstrated reductions in recidivism.

The researchers concluded, “A corrections policy that reduces recidivism will be one that focuses resources on effective evidence-based programming and avoids ineffective approaches.”

CONCLUSION

The literature is clear that official punishment without treatment has not been shown to be a specific deterrent to future criminal behavior. Research on intensive supervision programs and other supervision enhancements based on custody, control, and/or deterrence has failed to show promise in reducing the recidivism of offenders under community supervision (Cullen, Wright, and Applegate, 1996; Petersilia and Turner, 1993). Conversely, the research indicates that certain programs and intervention strategies reliably reduce recidivism when applied consistently, wholly, and systemically. Research should be applied to practice with the goals of preventing further victimization and creating safer communities. The corrections research is constantly evolving. A responsive system keeps abreast of the research, evaluates its system, and makes systemic changes based on data and the most up-to-date available research. An organization/system that is most successful in initiating and maintaining offender interventions and supervision practices, consistent with the principles of effective intervention, will achieve the greatest recidivism reductions.

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I. Criminal Justice Stakeholder Survey Results

The Sentencing Practices Subcommittee initiated a survey that was intended to engage multiple and diverse criminal justice stakeholders in the Subcommittee's work and to assist the CAAC in the formulation of its final recommendations. The diverse groups surveyed included judges, prosecutors, defense attorneys, victim advocacy groups, probation officers, sheriffs, jail administrators, police chiefs, state police, and legislators.

The goals of the survey were:

- To gain an understanding of perceptions about the goals of sentencing;
- To evaluate the opinions of criminal justice stakeholders to determine whether they perceive the use of split sentencing to be effective in managing the risk and needs of offenders;
- To determine whether criminal justice stakeholders support the use of alternative sentencing practices;
- To determine which alternative sentencing practices criminal justice stakeholders support and for whom;
- To determine their understanding of EBP practices and policies.

A random sample of 60 participants was selected from each stakeholder group; 141 total responses were received for a response rate of 30.5 percent. Response rates for individual groups were not large enough to allow for statistical testing of subgroup differentials. As a result, the information gathered in this survey should be viewed as anecdotal evidence reflecting the views of 141 criminal justice professionals.

Sentencing Goals

Punishment and specific deterrence were the two reasons respondents most commonly cited for recommending or imposing a sentence that includes a period of incarceration. From a criminal justice policy standpoint, the implications of such a response pattern are noteworthy, given that research has shown that official punishment and deterrence are ineffective in reducing recidivism or in deterring others from committing crimes. Retribution was not seen as an important goal of sentencing. While the majority of respondents agreed with the proposition that they have a role in reducing recidivism, it appears that further education is needed, both in the professional criminal justice community and the community at large, before a policy endorsing a major role for risk reduction in the criminal justice system can serve as a platform for significant system reform.

Although currently not available, risk assessment information was considered valuable in making sentencing decisions. Ninety-three percent (93 percent) of respondents indicated that risk level is an important element of an informed sentencing decision. Only the seriousness of offense, selected by 96 percent of respondents, was ranked as more important. Prior record (77 percent), a static, but highly predictive criminogenic factor, was also viewed as extremely important by judges, defense attorneys, prosecutors, and probation officers. Information on a defendant's educational or vocational experience was viewed as the least important to the sentencing decision.

Respondents indicated that information on the same factors is also important in deciding the lengths of confinement and the probation period. Again, seriousness of offense was considered the most

important factor in determining the length of incarceration. Risk level was also one of the top three information needs. The availability of prison or jail space was not viewed as an important factor in sentencing.

These results underscored the conclusions of the CAAC that risk assessment must be an integral element of the criminal justice and correctional systems. All too often, sentencing decisions, including straight incarceration and split sentencing, are made without the level of information necessary to make the best decision that will protect society and reduce the risk of future offenses.

Split Sentencing

Several survey questions were designed to explore respondents' perceptions about the use and frequency of split sentencing. For purposes of the survey, a split sentence was defined as a sentence that included a period of confinement in jail or prison followed by a period of probation.

Eighty-seven percent (87 percent) of respondents indicated that they perceived split sentences as meeting the need for supervision beyond imprisonment. When asked to identify the type of offense for which split sentences should be recommended or imposed, respondents indicated that they would most often recommend a split sentence for an individual who committed a sex offense. Individuals committing a traffic offense would be the least likely candidates for a split sentence.

Survey results were compared to actual data on split sentencing compiled by the University of Southern Maine. While individuals with sex offenses were likely to receive a split sentence with jail confinement of more than 270 days, individuals with drug, violent, property, and traffic offenses also received split sentences, although with varying lengths of incarceration. Split sentencing appears to be used more broadly for all types of offenses than respondents recognized.

Split sentences were found to be the majority of all sentences, whether the crime was a felony or misdemeanor (Rubin, 2006). Surprisingly, 48.2 percent of low risk misdemeanor offenders are receiving split sentences. Generally speaking, research shows that recidivism rates increase when low risk offenders are given harsher punishments. Current split sentencing practices in Maine, at least in this regard, may be counterproductive.

Thirty-nine percent (39 percent) of survey respondents estimated that split sentencing was used in less than 50 percent of all cases. Actual data indicates that split sentences are significantly more prevalent. Twice as many split sentenced offenders (66.41 percent compared to 33.59 percent) entered probation in 2004 and 2005 as those with a straight probation sentence (Rubin, 2006). The Subcommittee estimated that nearly 80 percent of convicted offenders receive a split sentence, taking into account that offenders who are still serving time in jail or prison were not included in the data set.

Respondents were asked whether they would support correctional alternatives for various types of offenses, with correctional alternatives defined as options to manage the risks and needs of offenders, other than incarceration or traditional probation. Respondents indicated strong support for offering correctional alternatives for individuals convicted of theft and driving offenses, including OUI. Respondents strongly opposed (38.7 percent) offering correctional alternatives to individuals convicted of sex offenses.

Overall, survey respondents are widely supportive of the use of actuarial risk assessment instruments in assessing the suitability of sentencing options, although their use is heavily dependent on how confident criminal justice practitioners are that such options are available, accessible, and effective. Grounded in evidence-based practices, the CAAC would urge Maine's criminal justice professional community to prioritize correctional treatment options based on how effective they are in meeting the risk and needs associated with individual offenders.

Improvements to Maine's sentencing and correctional practices must be anchored in changing the attitudes and philosophy of its key participants. This can only be accomplished through education and training on evidence-based practices and by improving the availability and effectiveness of treatment options.

J. List of 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”
- “Evidence-Based Practices: A Framework for Sentencing Policy,” Sentencing Subcommittee, Rosemary Kooy, Crime and Justice Institute
- “GIS,” Bob Bistras
- “Improving the Quality and Value of Health Care 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
- “Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness,” Marie Van Nostrand
- “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 Health Care,” Renee Kanan, M.D., MPH
- “Sentence Individualization and Diversion, Maine Judicial Branch,” Chief Justice Leigh Ingalls Saufleay 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.