



**Board of Corrections
Minutes March 20, 2012 Meeting
1:00 p.m. – 3:00 p.m.
Located in: The Board of Corrections
Conference room
32 Blossom Lane, Marquardt Building – 3rd Floor,
Augusta**



Members Present:

Chair Mark Westrum, Two Bridges Regional Jail (Maine County Jail Administrators); **Douglas Beaulieu**, Aroostook County (Maine County Administrators); **David Bowles**, York County (Maine County Commissioners Association); **Ric Hanley**, Spring Harbor Hospital (Mental Health); **Sheriff Randall Liberty**, Kennebec County Sheriff's Office, (Maine Sheriff's Association); **Commissioner Joseph Ponte**, Maine Department of Corrections; **Stuart Smith**, Maine Municipal Association

Members Absent: **Commissioner Anne Head**, Maine Department of Professional and Financial Regulation; and the **Board's Fiscal Agent**, Scott Ferguson

Guest: Vincent Cassidy

Executive Director: Michael Tausek, Board of Corrections

Executive Associate: Kelene Barrows, Maine Department of Corrections

Handouts:

- Agenda of 3/20/12
- Minutes 2/21/12 meeting
- Memo – Fiscal Year 2013 Budget Instruction and Submission Time Line
- Memo – Fiscal Year 2013 Budget Time Line
- Fiscal Agent Report – March 2012
- Bi –Weekly Report from RHR Smith & Company
- Medical Records Recommendations

Welcome and Introductions:

BOC Chair Mark Westrum welcomed everyone and introductions of all Board members proceeded. It was noted that the Board of Corrections meeting would be broadcast live over the internet at: <http://www.maine.gov/corrections/>. Chair Westrum also had members from the audience introduce themselves.

Minutes:

Motion:

- Stuart Smith made a motion to approve the February 21, 2012 minutes; seconded by Sheriff Liberty.

Vote:

- All were in favor; passed as unanimous
-

Report of the Chair:

- ***Introduction of the New BOC Executive Director:***

Chairman Westrum introduced the Board to the new Executive Director, Michael Tausek, who comes with an extensive background in Corrections. Mr. Tausek shared how he has been on the job for a few weeks now and how it has been a fast learning curve. He looks forward to building some equines and solid quality strategic plans with the Board and county systems. Mr. Tausek also shared, that he comes from the Waldo Regional Reentry Center (WRRC) and was their Program Director; he was with the Department of Corrections as a Correctional Sergeant at Maine State Prison for two in half years; and prior to that he was in the Boston, Massachusetts area in Reentry with the Federal Bureau of Prisons as well as Suffix County House of Corrections for over five years.

Chairman Westrum welcomed Mr. Tausek and noted Mr. Leet the Inrium Executive Director will still be around to help through the learning curve. Chairman Westrum also thanked Mr. Leet for all his service and support through the transitioning.

- ***Report on the CJPS Committee:***

Executive Director, Michael Tausek shared with the Board that LD 1704 "*An Act to Amend the Maine Bail Code to Protect Victims of Domestic Violence*" was auto not to pass, nine to zero, unanimously. Mr. Tausek noted LD 1704 was requiring that bail and domestic violence cases are to be determined only by judges and not by bail commissioners. It also requires judges to review the defendant's criminal history and that electronic monitoring maybe a condition of bail.

Business Meeting:

- **BOC Executive Director Report:**

- **Recent LD activity within the Criminal Justice and Public Safety Committee**

Executive Director, Michael Tausek reviewed LD 1711 "*An Act To Mandate the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes*" this passed unanimously at the working session. What that will call for commencing 2014 is for domestic violence assessment tool to be utilized for domestic violence cases, that information will be reviewed by a judge or jail commissioner regarding domestic violence cases.

He also reviewed LD 1867 "*An Act To Protect Victims of Domestic Violence*" and this was a multi purpose bill. It added additional crimes to the definition involving domestic violence particularly strangulation. It calls for bail must be determined by a judge not a bail commissioner, when domestic violence is involved. It makes violation of bail condition for domestic violence is an underling crime of class "D". It requires judges to deny bail and at bail revocation hearing unless certain special circumstances exists. It also requires law enforcement agencies to include mandatory policies regarding domestic violence or process for collecting information about the crime and its strangulation was involved.

- **Correctional Service Budget Procedure -** <http://www.maine.gov/corrections/BOC/refs/fy2013bugInstSubTime.pdf>

Executive Director Michael Tausek put together an instructional memo regarding budget instructions for FY 2013. He got some good feedback from Fiscal Agent Scott Ferguson with pushing the May date for submission of budgets up to April 15th for more time as a Board to discuss any budget issues. Another change recommended was to email the narratives regarding the impact at one percent (1%) reduction in overall budgets for each county. The April 15th deadline would go to the CRAS system to wrap up FY 2012.

- **Budget Time line -** <http://www.maine.gov/corrections/BOC/refs/fy2013timeline.pdf>

Executive Director Michael Tausek developed a budget time line, which speaks well to the memorandum on upcoming dates. Mr. Tausek expects to come before the Board on April 17th to give an update or let the Board know of any issues that are surfacing from any of the counties. It was suggested to push the May 1st date up to April 15th. The May 22nd would be the next Board of Corrections meeting, which he has that date and another date for budget reviews for counties that would like to approach the Board with various issues.

Motion:

- Sheriff Liberty made a motion to accept the revised date of April 15, 2012, for counties to submit a finalized budget; seconded by Stuart Smith.

Vote:

- All were in favor; passed as unanimous.

- **BOC Fiscal Agent Report -** <http://www.maine.gov/corrections/BOC/refs/famarreport.pdf>

Executive Director Michael Tausek presented the Fiscal Agent's Report, that the revenue received to date is \$16,878,397; anticipated remaining revenue is \$942,806; and the total fiscal year anticipated revenue is \$17,821,203. The year to date expenditures is \$14,124,146; anticipated remaining expenditures based on budget and board approved \$3,838,323; the fiscal year anticipated expense is \$17,962,469; and the anticipated fiscal year remaining is \$(141,266). Finally, the over all investment fund balance as of February 29, 2012, is \$2,754,251.

- **Status of a proposed CRAS Training seminar**

The co-chairs of the Corrections Working Group have asked the Executive Director to get with the Budget Focus Group to make coordination on getting the updated CRAS system out to the counties. The new CRAS template did make it to some of the counties and they agreed it was a lot more user friendly than the old version.

It was noted Michael Tausek and Tim Leet met with the Bob Devlin and Scott Ferguson last week regarding the CRAS and they are open to anyone that needs training on it. They are willing to drive to wherever location to offer additional training.

- **Corrections Working Group (CWG) co-chair report**

- **National Institute of Corrections (NIC)**

Sheriff Ross shared that the CWG has reached out to the National Institute of Corrections (NIC) looking for some technical support through the Sheriff and Commissioner Ponte's contacts. The National Institute of Corrections is going to assign two people to come in to the State of Maine for a one week period. Sheriff Ross had to provide a list by priority of the names NIC submitted to the CWG, which was accomplished at the last CWG meeting. The number one person was Rod Miller who was well known in the State of Maine and the second person was not confirmed. The two people from NIC will be here within a couple of months. The CWG told NIC that they would like the two to do a systems analysis of the facilities, how they could be used, which ones could be open, if any were to be closed, and why they became justified to keep a facility open. Those are the toughest discussions. The efficiencies are the easiest things to work out. However, the CWG has left this wide open for the Board's discussion and priority.

- **Bureau of Justice Administration (BJA)**

Sheriff Ross shared because of the short time NIC can spend here in Maine; it was suggested that the CWG contact the Bureau of Justice Administration (BJA) for grants through the state and ask them if they would be willing to come on the back end of NIC to do some follow up technical assistance. All the discussions have been very positive, but they are holding out until they see what NIC does.

Discussion:

Chairman Westrum wanted the Board to fully embrace these two groups. He noted it is a significant event for the Board of Corrections, the Corrections Working Group, and Corrections in general throughout the state. The two groups will take a look at the system, try to identify things that make sense, and make some recommendations to the Board as it thinks about the future of the system. It is no coast to the Board; NIC is getting their funding through as a Technical Advisor to the prison and jails across the nation and the BJA is another funding source with the Federal Government. The two groups would like to hear from the Board on the scope of work. They would like to come into the State with a mission and go from there. Once the two people are selected, they will probably want to have a conference call to have a dialogue and give some feedback on the mission. It was noted depending on their time line that may mean a very large conference call or a workshop before the April 17th meeting. The parameters need to be set by the Board on what they would like them to do in a five day period.

- **Inmate Medical Policy Recommendation and a required form approved by the CWG - <http://www.maine.gov/corrections/BOC/refs/medrecom.pdf>**

Sheriff Ross shared that this coordination of medical information being exchanged between facilities. The Corrections Working Group (CWG) had a meeting with state, county, and medical providers to ask what we can do that would make it easier for you. The group came up with five recommendations and was agreed upon by all the medical providers.

1. Recommend all correctional staff makes every effort to notify their medical department of all inmate transfers allowing sufficient time whenever possible, to allow preparation of medical records and medications prior to transfer;
2. Recommend when advanced notification is given for an inmate to be transferred from county to county, the sending facility must send the receiving county the medications that they have in stock for the inmate and a copy of the inmate's completed Medication Administration Record to accompany the transfer;

3. Recommend if medications are not sent by DOC when transporting state inmates to county facilities, the receiving facility is encouraged to contact the DOC medical staff and require overnight of the medication or arrange for delivery through the state pharmaceutical provider;
4. Recommend that inmates being released to other non-correctional facilities should at a minimum arrange for medications as follows: a 3-day supply upon release and a two week supply if transferred to a treatment program; and
5. Recommend in order achieving uniformity with inmate transfer information, facilities must be encouraged to utilize a DOC medical Transfer Form when advanced notification is given. Note: All Medical Transfer Forms are to be completed by medical staff prior to inmate transfer. Correctional officers shall not complete sections of the transfer form that require medical information. These sections apply specifically to the medical staff.

- **Update by RHR Smith & Company on financial services provided to date and possible revised priorities - <http://www.maine.gov/corrections/BOC/refs/rhrmarch.pdf>**

A bi-weekly report was submitted dated March 9, 2012, from RHR Smith & Company. RHR Smith & Company has been to Oxford, Washington, and Sagadahoc Counties; Piscataquis and Knox Counties are both next week; and York County is this Friday. It was noted by the end of this month, RHR Smith & Co. will have visited all of the counties, talked with folks that are involved with running the jails, and gathered together as much of the financial information as need at this point. The goal is to have all this done by this month and get the data to the Board by their next monthly report of April 10th. RHR Smith is hoping by April 15th to have the imperative review results. RHR Smith & Co. noted they are also waiting on a few jail auditing reports.

- **Kennebec's Criminogenic Addiction & Recovery Academy (CARA)**

Captain Alexander, Jail Administrator from Kennebec County Jail wanted to update the Board and all those listening in on some of the work that has been done through the CARA program that the Board did not initiate, but the Corrections Working Group (CWG) did, which was to collaboratively look at the alternative sentencing program by designing a brochure that could go out to everyone announcing what programs are available. Any participants through the state can go to this program. There is a DVD on the program that will be sent out to all Board members for their viewing. Lastly, she noted the next CARA graduation will be at the Board's next meeting.

Captain Alexander also presented another pamphlet to Board members from Kennebec County Jail on their new Veterans initiative. They are working collaboratively with Togus, VA Hospital and have started transferring inmates from other jails to Kennebec County to be in this program. Crisis and Counseling is developing an intensive case management program with them. It will be open enrollment so that they can come to Kennebec County Jail for a two week program. This program is in hopes to be expanded from a small block to a larger block and utilizing the small block for reentry screening and then transfer to a larger block for intensive case management similar to the CARA program.

It was noted the programs have been working with the Corrections Working Group and will be attending their next meeting to focus on their cost analysis to run the program, but they will be looking at an additional \$300,000 again for this year.

New Business:

- **One percent (1%) reduction request**

Overview:

Chairman Westrum brought up the topic of the 1% reduction request. It was a result of the Board looking to be fiscally as it moves into the new biennium, with the available resources the Board thinks it is going to get from the Legislature. He noted to keep in mind; the Board had a streamlining cut of \$335,400. to fix Somerset County's CAP, which means it is starting the new biennium significantly in the hole, where it started this particular budget year and recognizing some fiscal impacts in front of it. There are some capital improvement needs, there are union contracts, DHHS cuts to the Intensive Case Management (ICM) program, and Maine Care cuts potentially as to the mental health inmates. He noted there has been a lot that has come at the system in the last couple of weeks that further complicates the one percent (1%) reduction. Chairman Westrum also recognized the one percent (1%) reduction could be absolutely devastating to a particular county.

Chairman Westrum wanted to have a discussion with the Board members to get their feedback. The thought process is there has already been a FY 2013, budget and nothing has happened with it, because the money available didn't meet the money that was requested. He noted that budget was really an exercise more than anything. The new budgets that the Board has asked the counties to put together are recognizing the one percent (1%) reduction and it takes into consideration the CAP issue with Somerset County as well as Streamlining request. Chairman Westrum asked each Board member what their thoughts are on how to approach FY 2013. Is it really wise to ask the counties to do a one percent (1%) cut verses flat funding?

Outcome:

It was noted the Board did have a chance to way in on the one percent (1%) reduction at the last meeting, because they voted on it as well as asked to get feedback on what that one percent (1%) would do. However, since the last meeting things have significantly changed. There was much discussion on the following items:

- The elimination of pretrial services from some counties;
- What would flat funding mean for the counties;
- Look at reviewing the formula of the Community Corrections Account - \$5.7 million and court sir charges of \$900,000;
- It was noted the problem cannot be solved in the room, but across the river. It was suggested for everyone to meet regularly with their legislature to make them aware of what the impacts are. Let the Legislature know, the system is in danger of collapsing unless it is funded. The Board needs to be as aggressive as the lobbyist with the Legislature on the funding situation;
- Who has the final authority on where to take the funds from? It was suggested the Board needs legal advice to get the answer. (It was noted the Board has the final say in the end on how much money goes out.)

There was consensus from all the Board members to continue to ask the counties to come back and present their budgets with a coversheet by April 13th with one percent (1%) reduction and to see where it is coming from and what the impacts are going to be.

- **The \$10.5 million cut to the state what that impact means with DHHS?** Board member Ric Hanley

Board member Ric Hanley explained the situation to the members that the four Institute of Mental Disease (IMD) meaning Riverview is one, used to get federal money to disportion share of hospital funding. The two private hospitals, Spring Harbor and Acadia Hospitals no longer dip in that pool. It goes completely to Doreatha Dix and River View Hospitals. Every year there was a CAP and the four IMDs used to share disproportionately the CAP. In 2002, legislation was put through that gave the two state institutions first dip in the pool and there has never been anything left for the other two.

If the forensic population at Riverview is not eligible for the disproportionate share hospital funds Riverview has been in a position where their forensic service has been full; they have had to move some of their forensic beds into civil beds. Spring Harbor Hospital is the gate keeper for those civil beds. They do the referrals from all over the southern part of the state from all the hospitals that would have normally referred patients to Riverview. Since 2007, Spring Harbor Hospital has done all of that referral work. they have seen in just the past several months, where they are starting to have a wait list of 12 patients at Spring Harbor waiting to get into Riverview Hospital. Largely because of those county jail transfers for other forensic transfers coming from the counties to Riverview Spring Harbor is not able to access those civil beds nor can Riverview bill the disproportionate share fund for forensic patients. It begs the question, how are they going to be paid for and the impact of the \$10.5 million projected out annually. It begs the question, is there another way to manage those transfers that are creating the over flow or is it going to go back to the counties as an expense item. It was noted counties are typically responsible for medical which encompasses mental health care. It was suggested to make an appeal if there are low level offenders who are being transferred from the jails to Riverview, that it is not necessary. They can be treated at Spring Harbor and Acadia Hospitals.

Public Comment:

- None

Other issues or topics:

- It was suggested that Board members be thinking about a potential Vice Chair and what a Vice Chair might bring to the Board.
- It was noted there is still the issue of Hancock County's retaining wall.
- It was encouraged if counties are sitting on a capital improvement plan and a reserve account of capital improvement, that they should utilize those funds before coming to the board.
- It was noted the next BOC meeting is going to have to be an all day event with a workshop in the morning to cover general business and then a business meeting in the afternoon. (It was suggested for the more difficult issues in the morning rather than the afternoon.)
- It was suggested for Mr. Nichols or others from DOC to look at the county budgets and impacts for compliance. (It was noted every year for five months the population spikes)
- Anticipated fiscal year remaining?
- It is the Budget Focus Groups intent to have the new CRAS system in place for the resubmission of the FY 2013 budgets.
- It was suggested for the Budget Focus Group to attend the Corrections Working Group meeting in two weeks.

Meeting Adjourned:

Motion:

- Stuart Smith made a motion to adjourn the meeting; seconded by Sheriff Liberty.

Vote:

- All were in favor; passed as unanimous.
-

Future Events (subject to change):

- Tuesday, April 17, 2012 – **Workshop / Meeting at 10:00 a.m.**
 - Board meeting will be held on the 3rd Tuesday of every month.
-

Respectfully submitted by Kelene Barrows