**Board of Corrections Minutes**
**Tuesday, January 29, 2013, 2013**
**1:00PM – 4:00 PM**
**Held at: Board of Corrections Conference Room**
**Marquardt Building, 21 Blossom Lane, Augusta, ME**

**Members Present:**
**Chair Mark Westrum,** Two Bridges Regional Jail (Maine County Jail Administrators); **Douglas Beaulieu**, Aroostook County (County Manager); **Stuart Smith**, Maine Municipal Association; **Commissioner Anne Head**, (Maine Department of Professional and Financial Regulation); **Sheriff Randall Liberty,** (Kennebec County) and (Maine Sheriff's Association); Commissioner Joseph Ponte (Maine Department of Corrections).

**Members Absent:**
**Ric Hanley (Public Representative) (Mental Health).**

**Support Staff:**
**Executive Director**: **Michael Tausek,** Board of Corrections
**Secretary Specialist: Jane Tower,** Maine Department of Corrections

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**Handouts:**
- Agenda for 1/29/2013;
- Ad Hoc Group Progress Worksheet
- State of Maine FY13 Monthly Reporting Package – December 31, 2012.

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**Welcome and Introductions:**

SBOC Chair Mark Westrum welcomed everyone to the work shop and introductions of all Board members proceeded. It was noted that the Board of Corrections workshop session would be broadcasted live over the internet at: http://www.maine.gov/corrections.

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**Report of the Chair:**
**SBOC Chair Mark A. Westrum reported:**

- Update on Criminal Justice Public Safety Committee matters. Specifically, Exec. Dir. Tausek and Chair Westrum presented a BOC overview to several committee members at TBRJ;
- Update on BOC's Supplemental Budget presentation to Appropriations. Specifically, the BOC accepted the targeted supplemental amount but informed Appropriations that the reduction in the General Fund would negatively impact the system;
- A Financial Analyst position was approved by Appropriations in the Supplemental and Biennium Budgets but still needs adequate funding to maintain the position;
- Prosecutorial District #6 initiative: Intent of this initiative is to have representation from midcoast counties (Knox, Lincoln, Sagadahoc, Waldo) meet and discuss cost-saving ideas, find operational efficiencies and possible mission change ideas to meet the needs of the region. Although various county officials have met, the (4) sheriffs have not met. A regional structure is in place and DA's are interested in the concept.

- SMRT update and possible use of this company (or other bidder) to manage infrastructure and capital throughout the system;
- No updates from Maine Sheriff's Association;
- No updates from Maine Jail Administrator's Association.

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**Executive Director Report:**

- System Issues: Washington County Jail currently in a transition period due to termination of Jail Administrator and support staff over improper use of inmate fund. Inmate population experiencing a downward trend in numbers. Many jails have available beds but Aroostook County Jail still experiencing high population counts.
- Sagadahoc County Administrator Pam Hile took a few minutes to speak to a letter drafted by Sagadahoc and Lincoln Counties. The letter stated spoke to paying debt service and inverse debt reimbursement. Each Board Member received a copy of the letter;
- Chair Westrum stated that Representative Mark Dion sponsored a bill to compel the State to fund inverse debt if passed by CJPS Committee and Appropriations. No amendments were added to the meeting's agenda. Board Member Stuart Smith stated that the intent of the letter was to develop a funding formula to show equitable distribution of inmates;
- Update provided on the Rod Miller technical assistance project. Specifically, several counties have signed up for the staffing matrix workshops and submitted necessary materials for analysis;
- Update on Overtime Initiative. Specifically, all jails have been surveyed about overtime figures and reasons why this line item is either at or above original budgeted amount. Several jails have responded and others have been sent email reminders;
- Update on Pretrial Assessment Initiative – Beginning in March, VOA and MPS will conduct a joint 3 month operation (1 week snapshots in each month) to gather pretrial information;
- Put forth a request for the Board to vote on the submitted supplemental budget initiative. Board Member Head motioned for the Board to go ahead and approve even though the BOC submitted a supplemental with the targeted amount. Board Member Ponte seconded (Vote: 4-2 in favor of motion. Board Member Beaulieu stated his serious reservation with the motion and such a vote (that supports a curtailment) is inconsistent with the needs of the system). Attorney Black stated that there was no need to vote on the item. Motion withdrawn. SMRT update and possible use of this company (or other bidder) to manage infrastructure and capital throughout the system.

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**Budget Focus Group:**

- Update on work being done on developing a funding formula for 3rd and 4th Quarter payments. Some criteria that the group wanted the Board to consider includes:
    - Each county needs to submit accurate information into CRAS to forward progress;
    - Counties shouldn't be penalized for maintaining a CIP Fund;
    - CRAS projections will be considered;
    - Total surplus in the system (approx. $9 million) is misleading because the BOC does not know how/where/what distributed funds were used for. Thus, using net operating income information is more helpful;

- A long term goal will be to develop a CIP module in CRAS module. This item is a top priority for the Board.

**Criteria #1 for Investment Fund distribution analysis: The Board will assume that data in the CRAS system is accurate and rely on that data for making determinations. Each county will be responsible for ensuring the accuracy of its data in the CRAS system.**

Board consensus (6-0) was that YES the Board will assume all data in CRAS is accurate, will rely on the information to make decisions and that each county is responsible for ensuring data accuracy.

**Criteria #2 for Investment Fund distribution analysis: The Board will not distribute amounts from the IF to a county jail that exceed the amounts requested by the county as of 12/31/2012.**

Board consensus (6-0) was that YES the Board will not consider distribution for amounts that exceed the amounts requested by a county in the projections module as of 12/31/12.

**Criteria #3 for Investment Fund distribution analysis: The Board will not distribute amounts to the extent those amounts would result in a projected positive net operating income for the county jail for FY13.**

Board consensus (6-0) was that YES the Board will not distribute amounts that will result in a projected positive net operating income for the county jail for FY2013. General discussion focused on the need to continue to collect more data and fiscal information.

**Criteria #4 for Investment Fund distribution analysis: The Board will not distribute amounts to a county jail to the extent the jail had a surplus as of 12/31/2012 unless the jail's actual average daily prisoners (ADP) exceeds its budgeted ADP. If the actual ADP exceeds the budgeted ADP, the Board will consider this fact when determining whether and to what extent it makes a disbursement to that county jail.**

Board discussion focused on the use of ADP and surplus. Vote not taken on this criteria and will be discussed at Feb. 19th meeting.

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**Motion Made:** Board Member Smith motioned for the Board to support the development of a module In CRAS to gather CIP information from each county.

**Motion Seconded:** Board Member Liberty;

**Board Vote:** (6-0) Unanimous in support of the Board working with MDOC I.T. Department to develop a CRAS Capital Improvement Fund module that will allow each county to submit CIP fund balance information.

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**Maine Department of Corrections Update:**

- Commissioner Ponte informed the Board and the audience that MDOC is seeking funding to replace Maine Correctional Center. The law requires that MDOC come forward to the Board for BOC approval. This new facility replaces beds does not create new beds. Topic tables until February 29th meeting. Certificate of Need process may be only applicable to jails not MDOC.

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**Ad Hoc Group Report:**

- Sheriff Todd Brackett and Sheriff Scott Story presented the update and recommendations to the Board.
- Ad Hoc Group has utilized the CAAC Report; RHR Smith Report and the NIC Report.

Recommendation #1: Group recommended Board evaluate membership of the Board to include representatives of the judiciary, DA's Office and Defense Bar:

**Motion Made:**

- Board Member Stewart asked for a change in quorum requirement. Legal definition is established by statutory law and motioned for the increase in Board members.

**Discussion:** Chair Westrum questioned having 12 members on the Board but the system needs stakeholder involvement. Members discussed whether CWG participation would be better due to the possible lack of interest in the suggested groups actually wanting to be involved. Need to contact Chief Justice to determine judiciary interest.

**Motion Seconded:**

- Board Member Liberty seconded.

**Board Vote:** ***(2) in Favor and (4) opposed.***

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Recommendation #2: Group recommended Board change current statute to allow for the Board to contract for commodities and services:

**Motion Made:**

- Board Member Head motioned to approve the recommendation.

**Discussion:** N/A

**Motion Seconded:**

- Board Member Ponte seconded.

**Board Vote:** ***(6) in Favor and unanimously supported recommendation.***

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Recommendation #3: Group recommended Board have line item authority when evaluating and approving county jail budgets:

**Motion Made:**

- Board Member Stewart motioned to approve the recommendation.

**Discussion:** Board members discussed the need for the Board to have the line item authority to manage budgets and the process more efficiently.

**Motion Seconded:**

- Board Member Ponte seconded.

**Board Vote:** ***(5) in Favor and (1) opposed (Member Beaulieu).***

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Recommendation #4: Group recommended Board should not have the ability to enter into contract negotiations with union officials in representation of jail personnel but language referring to BOC not having authority to enter into negotiations should be stricken from current statute:

**Motion Made:**

- Board Member Stuart motioned to approve the recommendation.

**Discussion:** Attorney Black summarized recommendation. It doesn't give additional authority to the Board. Board Member Beaulieu stated, as a MCCA Representative, that current and existing language 100% precludes the Board from entering into negotiations and that simply striking language allows for BOC input.

**Motion Seconded:**

- Board Member Head seconded.

**Board Vote:** ***(2) in Favor and (4) recommended more time to consider topic. Need more dialogue with MCCA and MSA. Consensus was to table and bring back to table in February 29th meeting.***

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Recommendation #5: Group recommended Board assume authority over inmate placement in system.

**Motion Made:**

- Board Member Stewart motioned to approve the recommendation.

**Discussion:** The intent behind the recommendation was to use MDOC personnel to manage beds. The original language was written as a unified system but now the system is coordinated and current system is not working for various reasons. Bed management, in this manner, was originally attempted under the previous Governor's Administration but was not supported by the Governor's Office. Commissioner Ponte recommended this issue be handled via MOU or policy development.

**Motion Amended:**

- Board Member Stuart amended his motion to incorporate MOU or policy development.

**Motion Seconded:** Board Member Ponte seconded the amended motion.

**Board Vote:** ***(6) in Favor and unanimously supported recommendation.***

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**Meeting Adjourned:**

**Motion:**

- Board Member Beaulieu made a motion to adjourn the meeting;
- Board Member S. Smith seconded the motion.

**Vote**:

- All were in favor; passed as unanimous

**<u>The Next Scheduled Board of Corrections Meeting is:</u>**

- Tuesday March 19, 2012 1:00 PM – 4:00 PM.

Respectfully Submitted by:

Michael Tausek, Executive Director