



**Board of Corrections**  
**Minutes of March 10, 2010, Meeting**  
**1:00 p.m. to 5:30 p.m.**  
**Located in: Board of Corrections**  
**Conference room**  
**32 Blossom Lane, Augusta**



**Members Present:**

**Tom Brown**, Eaton Peabody (Representing the Public); **Chair Neale Duffett**, Cloutier, Conley & Duffett, P.A., (Representing the Public); **Irving Faunce**, Town of Wilton, (Representing Maine Municipal Association); **Martha Freeman**, State Planning Office; **Richard Hanley**, Spring Harbor Hospital (Representing Expertise in issues Regarding Mental Illness); **George Jabar**, Jabar, Batten & Ringer, (Representing County Commissioners); **Tim King**, Washington & Hancock County Community Action Program (Representing the Public); **Martin Magnusson**, Maine Department of Corrections, **Sheriff Scott Story**, Waldo County Sheriff's Office, (Representing Maine Sheriffs)

**Development Program Manager: Kate Snyder**, Board of Corrections

**Director of Pretrial, Diversion and Reentry: Laura Rodas**, Board of Corrections

**Executive Associate: Kelene Barrows**, Maine Department of Corrections

---

**Handouts:**

- Agenda for 3/10/2010
- Minutes of 1/20, 1/21, 1/22 and 1/27/2010
- Board of Corrections Annual Report to Criminal Justice and Public Safety
- Criminal Justice Report to Appropriations and Financial Affairs Committee
- FY11 Budget approval Process and Timeline
- FY12-13 Biennium Planning and Timeline
- Medical/Pharmacy Contract Updates & Timeline
- Letter to Board from Ms. Snyder
- Focus Groups annual report
- Corrections Working Group Issue Management Tracker
- Pretrial, Diversion & Reentry Work Plan
- Letter from York County Commissioners
- Regional System Analysis
- BOC: \$3.5 Million FY11 General Fund Request – March 3, 2010

---

**Swearing In Ceremony:** Dyana White, Secretary, MDOC Juvenile Division

A swearing in ceremony was given to Mr. Hanley to officially make him a new member of the Board of Corrections representing expertise in issues regarding mental illness.

---

## Welcome and Introductions:

Chairman Duffett welcomed everyone and introductions of all Board members proceeded. It was noted the Board of Corrections meeting is being broadcasted live over the internet at: <http://www.maine.gov/corrections/>.

---

## Approval of Minutes:

### Motion:

- There was a motion made by Irving Faunce to accept the minutes of the January 20, 21, 22/27, 2010, meeting as submitted; seconded by Tom Brown.

### Vote:

- All were in favor; passed as unanimous.
- 

## Report of the Chair: Chairman Duffett

- ***Board of Corrections Reports to Legislative Committees:***

- Please see: [http://www.maine.gov/corrections/BOC/refs/BOC\\_ANNUALREPORT\\_2009\\_Final.pdf](http://www.maine.gov/corrections/BOC/refs/BOC_ANNUALREPORT_2009_Final.pdf)

The Board was required to send an Annual Report to the Criminal Justice Committee. It was noted the report was a better product than the prior year; it included an organizational chart and the handout that was given to the judicial branch back in October. Chairman Duffett gave kudos to Ms. Snyder for her hard work on the report. The report was well received at the Criminal Justice.

The Board also gave a two page document to the Appropriations Committee, when they asked for something in writing to indicate what kind of savings the unified system has accomplished over the last three years. The combined cost of state and county correctional services has actually declined in FY11 (over FY10) almost a million dollars. The second page of the document noted that had the county corrections side been allowed to continue to grow at its traditional 9% a year, the property tax payers of Maine would have paid an additional \$5.6 million in FY09, additional \$6.1 million in FY10, and an additional \$6.6 million in FY11; those added up is property tax avoidance of \$18.3 million as a result of a general fund investment of \$8.5 million.

- ***Criminal Justice Report to Appropriations and Financial Affairs Committee:***

- Please see: [http://www.maine.gov/corrections/BOC/refs/CRJ\\_rec1.pdf](http://www.maine.gov/corrections/BOC/refs/CRJ_rec1.pdf)

There was a January 29, 2010, letter from the Criminal Justice and Public Safety Committee to the Appropriations Committee from Senator Gerzofsky and Anne Haskell to Senator Bill Diamond and Representative Emily Cain outlining all of the areas of responsibility for Criminal Justice including the Department of Corrections and the Board of Corrections.

Chairman Duffett thanked everyone in the room, members of the Board, members of the Counties, the towns, and Sheriffs for their hard work in working with the Board through this legislative session. The Appropriations Committee last Friday voted in the \$3.5 million to the FY11 budget for the Board.

---

## Corrections Working Group Updates: Sheriff Todd Brackett and Associate Commissioner Lord

## Federal Boarding:

### Overview:

- There was a meeting with the Sheriff from Cumberland County, all Sheriff's, and all Jail Administrators around the state on housing federal inmates in their jails.

**Outcome:**

- There was some brainstorming and information gathering done. There is a second meeting scheduled to reach out to the new US Marshall. The new US Marshall has not officially taken office. There was some dialog amongst those that did meet about how federal inmates are currently managed around the system.

**FY11 Budget Approval Process and Timeline:**

Please see: [http://www.maine.gov/corrections/BOC/refs/BOCSysWorkPlanFY11\\_12\\_13.doc](http://www.maine.gov/corrections/BOC/refs/BOCSysWorkPlanFY11_12_13.doc)

**Overview:**

A matrix was presented to the Board noting there is a lot of work going on at many different levels. There are people within each individual correctional facility delivering programs and services, providing the public safety and security; and ten focus groups working on specific cross cutting issues like mental health, medical, and victim services. The Corrections Working Group is trying to help coordinate all the moving pieces and bring to the Board, what is needed to fulfill their role and responsibility as a policy setting oversight entity and the design entity moving towards a unified system. The matrix was designed to help define for the Board at a very high level what is the priorities and the direction it should be moving in. The matrix will show when the Corrections Working Group feels it needs to bring the Board something to review, approve, revise, or redirect.

**Outcome:**

The goal is to keep the Board focused on the big picture and more importantly on the integration of all the parts. The Corrections Working Group pulled out what they thought was the most important top priorities that the Board has articulated at some point, which consists of the budget process, the system design, the pretrial, and the medical, pharmacy, and mental health. These will be flushed out as time goes on with more specific dates.

The Corrections Working Groups first recommendation is to close the FY11 budgets with a time frame of April and May. This summer the Board will begin to build the budgets for the next biennium FY12 and FY13. It was noted on May 5, 2010, the Corrections Working Group could present to the Board the growth rates and budgets. There are two days, May 5, 2010 and May 12, 2010, scheduled for the Board to hear from the counties around their recommended budgets and wrapping it up by May 19, 2010.

**FY12-13 Biennium Planning and Timeline:**

**Overview:**

The budget process for FY12 and FY13 will begin with looking at some general direction from the Board around how to build the budgets. It has to be cognitive of some of the other Board priorities like system restructuring and mission change. The system design work has to happen to be integrated with the budget with development work. The Corrections Working Group will also be looking at a proposal for an integrated medical and mental health service delivery, with what that looks like, what the system delivery looks like, and that will inform what the budget looks like.

**Outcome:**

The matrix was designed to try to organize key decisions in the same time frame so that the Board does not make a decision around the budget and should have factored in something else. It was

suggested by summer time on the budget side to begin to lay out some guidelines recommended from the Working Group and be brought to the Board in May or June for the FY12 & FY13 budget as well as reorganizing and restructuring of the combined system. It was noted the Department of Corrections begins its FY11/FY12 budget process in August 2010.

### **Medical / Pharmacy Contract Update & Timeline:**

Please see: <http://www.maine.gov/corrections/BOC/refs/CorrectionsMedicalServicesRFPTimeline1.doc>

#### **Overview:**

The Corrections Working Group pulled out the four major decision points with the medical and mental health area. The State's contract in just medical services and some of the mental health contracts is close to \$12 million a year. It is the State Government's fourth largest contract. It is a big contract to bring in fifteen county facilities and could easily end up being a \$15 - \$20 million contract of services. It is an enormous contract in the area of service delivery that has the greatest liability.

There is a need to clearly define what is needed and have a rigorous process in selecting a vendor to meet the needs. It was noted there isn't consensus that having one contract could be done for less money. The group may be looking at what can be afforded and that puts it into a category of a difficult situation. There is a concern of meeting the July 1, 2011, date and that maybe an October 1, 2011 date would be better. It was noted there are folks who truly believe it can be done cheaper by having one contract; but this is not generally assumed.

#### **Outcome:**

There are two questions out there that need to be answered, can it be done more cheaply and can the Board get better consistent quality medical health care across the state. It is an exploration exercise that absolutely has to take place, but before it is over with, the Board needs to be accountable why it doesn't go down that path, why it maintains a status quo, or what changes need to be made in the medical and mental health areas.

The Board is facilitating and bringing together the advocacy for the investment to get a better system of quality and cost. The Medical and Mental Health Focus Group will be recommending hiring a consultant to assist with the data collection and analysis, the drafting of the request for proposal, and the facilitating of the selection process. The Focus Group is looking at something that is funded. They are looking at the Maine Health Access Foundation (MEHAF) grant; there is positive feedback about the willingness to entertain a proposal. The Focus Group will be bringing a budget request before the Board in May. It was noted the Department of Corrections and the Board of Corrections may be able to contribute some funds to help move this forward.

---

### **Focus Group Annual Report Review and Corrections Working Group Issue Management**

**Tracker:** Kate Snyder, SBOC

- *Focus Group Annual Report:*

#### **Overview:**

Ms. Snyder presented a cover letter and reports as an effort to improve communication from the Focus Groups to the Corrections Working Group. At the request of the Chair and the Corrections Working Group, Ms. Snyder requested annual reports for the 2009 year from each of the Focus Groups.

Ms. Snyder will try to regularize the process each year, where the focus groups will report back to the Board of Corrections on what their current configuration looks like, what their roles and responsibilities are, past activities, accomplishments, upcoming priorities, and goals. This gives the Board an opportunity to have the communication to be engaged. It also gives the Corrections Working Group the opportunity to help guide the work of the Focus Group to be as responsive as possible to board priorities and initiatives. Once the reports are received it gives the Corrections Working Group and opportunity to schedule meetings shortly after that receipt with co-chairs. Those meetings will be scheduled to be responsive as possible to current Board priorities.

**Outcome:**

The reports were for the Board members to look over, read, and get back to her with suggestions. It is an effort to normalize the communication and prioritize the work of the Board.

- *Corrections Working Group Issue Management*

Please see: [http://www.maine.gov/corrections/BOC/refs/CWG\\_Issues\\_Tracking3.doc](http://www.maine.gov/corrections/BOC/refs/CWG_Issues_Tracking3.doc)

**Overview:**

Ms. Snyder presented the Board with a Corrections Working Group Issue Management Tracker. It is something she has worked with the co-chairs of the Working Group. Ms. Snyder noted as she has been working with the Working Group over the last several months, she realized there was a lot on their plate and there is a lot to respond to all the time. Keeping track of all those moving parts can be difficult. They worked to get all the parts into a format to track what the issues are. It was noted it is also a communications tool. It gives the Working Group an opportunity to see what is on their plate and in an order to best respond to those issues. The parts have been listed out in order of priority. The last page gives a list of county communications to normalize the communication process. When an issue comes in, it will be acknowledge the receipt, will go directly to the Corrections Working Group; the Corrections Working Group will then either refer to a Focus Group, or take the issue on themselves.

**Outcome:**

The tracking mechanism is a work in progress. It is meant to organize the work, communicate the work, and give some sense of satisfaction that their issues are on the Corrections Working Group radar to be addressed. The tool will be posted to the Board's website.

---

**Pretrial, Diversion & Reentry Work Plan:** Laura Rodas, SBOC

Please see: <http://www.maine.gov/corrections/BOC/refs/WorkPlan2010.pdf>

**Overview:**

Ms. Rodas provided a work plan that falls under her grant position, which was required for her to produce. Her plan was developed through many discussions with the Chair, the co-chairs of the Corrections Working Group, and the co-chairs of the Pretrial Focus Group of identifying some of the major goals for the year she is sure to be working.

Ms. Rodus noted the Pretrial Focus Group met last week and she is working with them on a number of things including looking at regional contracting. It was suggested to separate pretrial services from Title 30A, reentry, alternative sentencing, and program services. Pretrial is really a separate entity. It was noted Best Practices indicates to separate the services out. The Focus Group would like to tackle the other part of the state regionally on Pretrial only. The Focus Group has had excellent input from the vendors, which really encourages the thinking in many different ways.

**Outcome:**

Ms. Rodus will be approaching the Board in May with a request on the development of standards to be used statewide on pretrial as well as regional pretrial contracting. Ms. Rodus will be providing information sharing in April of a written analysis of each service provider's performance and recommendations. She will also be approaching the Board in the near future for a budget request for funding around train the trainer for counties on the Level of Service Inventory (LSI) a validated risk assessment tool, that the Department of Corrections uses. It would be a specialist that would come from the University of Cincinnati to do the training. It makes sense with the community confinement monitoring program around the state of each Sheriff shall be monitoring that program.

Ms. Rodus noted with the community confinement program, the statute reads that the fees that are gained from that program should be forwarded on to the Board. Historically, that money has stayed with the counties to reinvest those dollars in programs. It was noted counties are not sending in their funds. Ms. Rodus requested that the Board address this matter formally at some time; statutory changes would not be this year, so the counties are aware of the expectations around the community confinement funds that are collected.

It was noted that the Board's interpretation of the statute is to require the Board to send a written request to the counties for the funds and the Board is not so inclined to send any such written request. This remains the sense of the Board. Any statutory change would be at a future legislative session.

---

**Workshop:****Overview:**

There was a Special Request that has come up in the last couple of weeks from the Criminal Justice and Public Safety Committee regarding York County's proposal to correct its 2008 CAP for the Board to review.

*Key points:*

- What would have happened back at the creation, if the issue of debt service on the HVAC hardware had been aired in the level of detail expressed now today?
- What ramifications might there be?

**Outcome:**

The general sense of the Board was:

- Had this issue (York County's HVAC hardware debt service) been discussed at this level of detail back at the creation of the CAP in 2008, it is more likely than not that it would have been placed outside the CAP.
- If York County's HVAC debt service is now treated as debt within the county operational budget, the total county contribution for county correctional facilities will go from \$62.5 minus -.28 equals \$62.2 (roughly). It was noted to get the exact numbers from Mr. Ferguson.

---

**SSCPCC Update:**

The update was deferred until the next meeting Board meeting.

---

**Public Comment:**

- It was noted there is concern about putting together an FY11 budget. The information that Mr. Ferguson needs to give to the Board to make informed decisions is not all there.
- 

**Other Issues or Topics:**

- A suggestion for the Corrections Working Group to come back with a recommendation on a process to get counties to pass in their budgets in a timely manner.
  - It was suggested to have the Commissioner of the Department of Financial Services (DAFS) meet with the Board members to go over the budget process for sometime in May.
  - Suggestion to have a Focus Group on video court.
  - How to manage federal inmates in the future.
  - It was note to keep in mind for FY11 to develop a unified chart of accounts.
- 

**Future Meetings (subject to change):**

- Wednesday, April 7, 2010 – at 1:00 p.m. located in the BOC conference room. Bring a bag lunch.
  - Wednesday, April 28, 2010 – at 10:00 a.m. located in the BOC conference room. Bring a bag lunch.
  - Wednesday, May 19, 2010 – at 10:00 a.m. located in the BOC conference room. Bring a bag lunch.
  - Wednesday, May 26, 2010 – at 10:00 a.m. located in the BOC conference room. Bring a bag lunch.
  - Wednesday, June 9, 2010 – at 10:00 a.m. located in the BOC conference room. Bring a bag lunch.
  - Wednesday, June 23, 2010 – at 10:00 a.m. located in the BOC conference room. Bring a bag lunch.
- 

**Respectfully submitted by Kelene Barrows**