

**ANNUAL REPORT
OF THE
BOARD OF CORRECTIONS**

JANUARY 2012

**SUBMITTED BY
BOARD OF CORRECTIONS
CHAIRMAN COLONEL MARK A. WESTRUM**

**PURSUANT TO
34-A MRSA SECTION 1803 SUBSECTION 10**

Executive Summary

This is the fourth annual report of the State Board of Corrections.

The report is submitted pursuant to 34-A MRSA section 1803 subsection 10.

The State Board of Corrections was created by Public Law 2007, Chapter 653 as an expenses only board.

The board currently has oversight over our coordinated correctional system. The statutorily required nine members of the board are appointed by the Governor.

This annual report includes a brief summary of the recent accomplishments of the board, a few ongoing programmatic efforts and some new creative initiatives implemented by our county and regional jails. It also identifies some major challenges facing the board as well as a brief description of what the future county coordinated system might look like.

This report does not include any recommendations for amending any laws related to the board or our coordinated correctional system.

This past year has been very challenging. The Board continues to face difficult issues including funding decisions as well as trying to determine the best use of our county and regional jail facilities.

During this past year, the board experienced major changes to board membership and board leadership.

The new chair and board members must be ready to tackle the very difficult issues outlined in this report.

It is important for the new Board of Corrections to guide the development of our coordinated correctional system by reviewing correctional inmate population data and bed availability with the goal of developing an improved coordinated correctional system.

The State Board of Corrections looks forward to another full year of working with the Governor, the Legislature and county officials.

Our future is reliant on everyone's continued support.

I. Introduction

The Board of Corrections was established over three years ago pursuant to PL 2007, Chapter 653, “An Act to Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services.”

The Board of Corrections currently consists of eight members appointed by the Governor. Due to a recent resignation, the Governor has one additional appointment to make to meet the statutory nine-member board requirement pursuant to 34-A MRSA section 1802, subsection 1.

Members of the Board are:

- Mark Westrum (Chair);
- Doug Beaulieu;
- Dave Bowles;
- Richard Hanley;
- Ann Head;
- Randal Liberty;
- Joseph Ponte; and
- Stuart Smith;

The purpose of the Board of Corrections is to:

- Develop a coordinated correctional system that manages the cost of corrections through sound fiscal management;
- Determine proper correctional facility use and purpose; and
- Adopt certain policies to achieve operational efficiencies.

The board is also authorized to establish benchmarks for recidivism reduction, pre-trial diversion and rate of incarceration.

II. Board Membership Changes and New Leadership

The Board of Corrections experienced some membership changes during this past year.

Due to some expiring terms and membership changes contained in PL 2011, chapter 374, three new members joined the board in the fall of 2011.

Colonel Mark A. Westrum, Doug F. Beaulieu and David E. Bowles were approved by the Joint Standing Committee on Criminal Justice and Public Safety as Governor LePage nominees for appointment to the Board of Corrections.

The Joint Standing Committee on Criminal Justice and Public Safety voted to approve these appointees on September 26, 2011 and the Senate later confirmed all three on September 27, 2011.

Colonel Mark A. Westrum

Colonel Mark A. Westrum is a former Sagadahoc County Sheriff and the current Correctional Administrator for the Two Bridges Regional Jail in Wiscasset.

Colonel Westrum is a dynamic team player and a visionary in correctional planning, financial management and communication.

At his second official board meeting in October of 2011, Colonel Westrum was elected as the new chair of the Board of Corrections. Colonel Westrum replaced Mr. Neale Duffett who had served as chair of the board for approximately three years.

Mr. Westrum brings a tremendous amount of correctional expertise as Chair of the Board of Corrections.

Mr. Douglas F. Beaulieu

Mr. Douglas F. Beaulieu is currently the Aroostook County Administrator and has over 25 years of public service experience.

Mr. Beaulieu has worked for the State of Maine, the University of Maine System and the private sector.

His educational background includes a Bachelors degree in Social Sciences from the University of Maine and a Masters Degree in Industrial and Organizational Psychology from the University of New Haven.

Mr. David E. Bowles

Mr. David E. Bowles is a respected York County Commissioner, a proven community leader and a successful retired business owner. He has a strong financial budgeting background and possesses outstanding leadership skills.

Mr. Bowles is a former House Republican Leader and State Representative for the Maine Legislature.

Mr. Stuart Smith

On June 15, 2011, the Board of Corrections swore in Mr. Stuart Smith as a new member. Mr. Smith was a Governor LePage appointee, approved by the Joint Standing Committee on Criminal Justice and Public Safety on June 2, 2011 and confirmed by the Maine Senate on June 3, 2011. He joins the Board of Corrections as a representative of the Maine Municipal Association and replaces Irving Faunce who resigned. Mr. Stuart Smith is a selectman for the town of Edgecomb.

Colonel Mark A. Westrum, Douglas F. Beaulieu, David E. Bowles and Stuart Smith are welcome additions to the Board of Corrections.

III. Corrections Working Group

The Corrections Working Group is an eight-member panel that meets on a regular basis and reports to the Board of Corrections on county and regional jail issues.

The Commissioner of the Maine Department of Corrections and the President of the Maine Sheriffs Association co-chair the Corrections Working Group.

Other members of the Corrections Working Group include the President of the Maine County Commissioners Association, the President of the Maine Association of County Clerks, Managers and Administrators, the Board of Corrections Fiscal Agent, a Somerset County Jail Administrator and two representatives from the Maine Department of Corrections.

Members of the Corrections Working Group are:

- Commissioner Joseph Ponte (Co-Chair);
- Sheriff Glenn Ross (Co-Chair);
- Major David Allen;
- Cynthia Brann;
- John O'Connell;
- Scott Ferguson;
- Amy Fowler; and
- Ralph Nichols;

The Corrections Working Group works collaboratively to address issues concerning the daily operation of facilities, provides guidance to focus groups, and moves issues up to board level for consideration as needed.

In carrying out their duties, the Corrections Working Group generally consults with the counties and other stakeholders to find workable solutions to challenging issues. If an issue arises that cannot be resolved at the Corrections Working Group level, it is forwarded to the board.

IV. Accomplishments

The Board of Corrections, with the assistance of the Corrections Working Group and its focus groups, has accomplished a great deal over this past year.

Some of these accomplishments are:

- Took an active role in LD 1419, "An Act to Improve the Coordination of State and County Correctional Services." The bill was initiated by the Maine County Commissioners Association and sponsored by Representative Gary Plummer. It was enacted by the Maine Legislature, signed by the Governor and became Public Law 2011, Chapter 374;
- Public Law 2011, Chapter 374 directs the focus of the State Board of Corrections from the unification of State and County correctional services to the coordination of county correctional services;
- It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds;
- It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections;
- It revises the membership of the of the State Board of Corrections; and
- It allows the State Board of Corrections to enter into contracts in pursuit of stated goals and it defines the role of the board's executive director.
- Participated in a video-conferencing study conducted by the Judicial Department at the request of the Joint Standing Committee on Criminal Justice and Public Safety;
- Approved 17 County and Regional Jail Operating Budgets for fiscal year 2012;

- Complied with a budget reduction request of the Streamlining Task Force established pursuant to PL 2011, Chapter 380, Part KKK;
- Adopted a Capital Improvement Planning Policy for County and Regional Jails to make sure capital needs are addressed on a system wide basis;
- Approved a Request For A Proposal for financial consulting and accounting services to assist the board in certain financial matters;
- Adopted an Expense Reimbursement Policy for BOC members; and
- Will soon hire a Board of Corrections Executive Director, a position that has been vacant since September 2011.

V. Continuing Efforts

Over this past year, the Board of Corrections has continued to implement initiatives that are critically important to the success of our coordinated correctional system.

Programming Efforts:

The Board of Corrections has continued to authorize Maine county and regional jails to administer pretrial, diversion and reentry services on their own or in contract with private nonprofit agencies. These services, detailed in the annual report from 2011, provide alternatives to jail for defendants and offenders throughout the State of Maine. Pretrial services provide safe and cost-effective community based supervision to defendant's awaiting resolution of their criminal cases. These service providers often also provide diversion programs such as alternative sentencing. Alternative sentencing programs provide opportunities for offenders to engage in service work rather than incarceration. There are also several types of reentry programs in Maine including the K-CARA program, the Waldo County Reentry Center, and a reentry initiative at Two Bridges Regional Jail.

Pretrial Services:

The pretrial detainee population, both in Maine and nationally, tends to exceed more than 50% of any given jail population. This means that

more than half of the people detained in jail are awaiting trial and have not been convicted of the offense for which they are charged.

For years, Counties throughout the state have run pretrial programs where pretrial defendants are supervised in the community rather than incarcerated with the permission of the judicial officer. In 2011, more than 1400 pretrial defendants were supervised in the community, rather than incarcerated, as they awaited case disposition. Approximately 200 more inmates were supervised through other types of programming such as post conviction bail supervision, Title 30-A supervision, and graduated sanctions supervision.

Pretrial service agencies serve thousands of defendants and defer use of thousands of inmate bed-days. They also avoid additional correctional costs to the counties and the state every year. Pretrial service agencies have provided these types of community-based supervision safely and effectively, as shown by the performance data collected over the past several years.

On any given day in Maine, there are approximately 370 defendants out of custody under pretrial bail supervision. This is comparable to supervising in the community the total number of inmates housed at Androscoggin and Kennebec Counties combined, for a total system-wide cost of less than four million dollars, and generating net savings of about \$1.4 million dollars.

Reentry Services:

The Waldo County Reentry Center has continued to operate out of the former Waldo County Jail. While the facility has a detention center, it primarily functions as a reentry center, providing comprehensive reentry services to higher risk males. The array of services includes substance abuse treatment, criminal thinking and behavior modification courses, and other evidenced based programs. The center also works closely with the Maine Department of Corrections.

There are two additional reentry programs operating in Maine. These programs are detailed further under “New Initiatives.”

Other Continuing Efforts:

Transportation: The BOC has assisted county correctional facilities in addressing the transport needs of inmates through the Unified Transportation System. This hub, run through the Penobscot County Jail, has been an invaluable tool to facilitate the safe, cost-effective transport of inmates between facilities, particularly in northern Maine.

CRAS: The board has continued to require county and regional jails to stay up to date with the Corrections Reporting of Actuals System (CRAS). CRAS is Maine's on-line financial reporting tool designed to improve financial reporting between the counties and the board. It also assists in managing inmate bed use and evaluating open bed capacity.

Capital Improvement Plan: The board has been making significant progress on the creation of a Capital Improvement Plan, as detailed on page 15.

Efficiencies: The board has been working to identify potential efficiencies within our coordinated correctional system. These efficiencies include prisoner transportation, medical, pharmaceutical and mental health contracts, and information technology.

VI. *New Initiatives*

The following are some new programs initiated by some of our county and regional jails during this past year:

1. Collaborative Scheduling for Alternative Sentencing Programs.

Several county jails have OUI and/or Multiple Offender Programs. These alternative sentencing programs are designed to reduce the population in our correctional facilities, keep low risk offenders out of the facilities, and provide community service to non-profit agencies. The participant pays for the programs so there is no cost to the county. The Correctional Administrators have agreed to set up a document that will be provided to the District Attorney Offices and the Defense Bar so that a participant can be sentenced to any of the counties programs.

Program Benefits:

- Decreases the waiting period for participants to complete sentencing;
- Encourages the District Attorneys/Attorneys to offer an alternative sentence versus incarceration to a broader array of offenders, even if their jurisdiction does not offer alternative programs at this time;
- Defers the cost of incarceration and puts the burden of the program's expense on the offender, reducing county jail expenditures;
- Provides basic substance use and abuse education appropriate for low-risk offenders; and
- Allows non-profit agencies (statewide) to receive community services work at no cost.

2. Veterans Initiative

This initiative provides a designated housing block at the Kennebec County Correctional Facility for veterans. This designated housing block provides education and resource connections. Any county can request to house their veteran inmate at the Kennebec County Correctional Facility (KCCF) in order to obtain access to this program.

Program Benefits:

- Establishes a connection with a Togus Outreach Coordinator;
- Provides access to resources for veterans;
- Provides access to a Work-Ready program, addiction education, emotion regulation management and criminogenic awareness;
- Establishes a network for the incarcerated veterans through support groups; and
- Provides access to the Co-Occurring Disorders Court, Veterans Track. This first in the state specialty court assists offenders with mental health and substance abuse issues under the leadership of the Honorable Justice Nancy Mills at the Kennebec Superior Court. This court now offers a track specially tailored to meet the needs of Veteran's who are involved in Maine's justice system.

3. Kennebec Criminogenic Addiction Recovery Academy (K-CARA) Program

K-CARA is a specially designed substance abuse and criminal thinking treatment program designed to promote pro-social thinking and behavior modification for offenders (both male and female) who are at higher risk to recidivate. While the program was piloted in 2010, in 2011 it has become a valuable resource and has expanded access to the program for offenders from several other jails. This highly structured, manualized, and evidence based treatment program works with offenders to target their individual needs while increasing personal intrinsic motivation and assists in the development of pro-social attitudes, values and beliefs.

The K-CARA program is divided into three phases: Motivation Enhancement, Intensive Treatment, and Reentry/Transition services. Offenders who complete the program are provided significant reentry transition assistance and community based supervision upon release.

K-CARA's formalized programming includes Differential Substance Abuse treatment (DSAT), Pathways Criminogenic Curriculum, Work-Ready training, parenting classes and the Thresholds decision making curriculum.

Participants are empowered to change their behaviors, contribute to society upon release, and learn life skills that will assist them in becoming productive members upon their return to our communities. It should be noted that in 2011, 116 persons completed the K-CARA program.

Program Benefits:

- Reduces the likelihood of recidivism for some of the most challenging and persistent offenders;
- Provides intensive evidenced based treatment that targets criminogenic risk factors; and
- Results in cost savings/reduction in future incarceration rates.

4. Food Service Contract Savings

Two Bridges Regional Jail (TBRJ) and the Kennebec County Correctional Facility (KCCF) currently contract with ARAMARK Correctional Services for food services. Both correctional facilities are working towards having the same expiration date of food service contracts so they can enter into a collaborative effort for one contract with ARAMARK Correctional Services.

Program Benefits:

- One contract for correctional food services would enable the counties to reduce their on-going food costs;
- Will result in cost savings to the coordinated correctional system.

5. Two Bridges Regional Jail Reentry Program

Two Bridges Regional Jail has developed and implemented a reentry program, which provides transitional services to inmates prior to their release from custody. Any inmate at the jail is eligible for services and is assessed for likelihood of recidivism and to determine their individual needs. Reentry case managers provide linkages to community based services in addition to referring inmates within the facility to existing programs. The program recently received a small federal grant, enabling it to expand the discussion of creating a regional reentry system throughout mid-coast Maine. To date, the program has served more than 335 inmates as they transition to the communities served by Two

Bridges Regional Jail. The program also works in coordination with K-CARA to refer appropriately situated inmates for incarcerated treatment services.

Program Benefits:

- Provides coordination of services for offenders leaving Two Bridges Regional Jail to outside community agencies and correctional treatment programs;
- Assists offenders in preparing to re-enter the community by providing linkages to housing, education, substance abuse, mental health, and other services;
- Data collected will assist future projects in determining the best use of resources;
- May contribute to a reduction in recidivism.

6. Pretrial Risk Assessment Tool

In partnership with the Muskie School of Public Policy and Volunteers of America Northern New England, Two Bridges Regional Jail began piloting in 2011 a pretrial risk assessment tool that was developed through a federally funded grant. This tool is used to screen pretrial defendants to determine their likelihood of appearance in court and their likelihood of violating conditions of release. While the tool is primarily used by pretrial services at this time, it can be administered in other pretrial settings, such as by bail commissioners. In addition, the information that it provides is appropriate for consideration by judicial officers when determining appropriate release conditions for defendants. This tool was developed for use in Maine and is in the process of being validated for use on our population. Though the tool has been developed through a grant partnership, it is non-proprietary and will be accessible for use throughout the State within the year.

Program Benefits:

- Pretrial tool can provide decision-makers with meaningful information for determining bail and associated conditions of release;
- Can be used in numerous domains;
- Non-proprietary.

VII. Challenges Facing the Board

The Board of Corrections is obligated to report on the major challenges and issues we face as we move our coordinated correctional system forward.

Some of these challenges are:

- The State of Maine has never funded the statutory inverse debt requirement pursuant to 34-A M.R.S.A. §1803(5)(E). 34-A M.R.S.A. §1803(5)(E) states that “The board shall propose in its budget an appropriation to the State Board of Corrections Investment Fund program of an amount equal to the difference between the 2007-08 fiscal year's county jail debt and the amount of that year's debt payment.” The Board’s Inverse debt funding requests of \$2.4 million in FY2010, \$2.5 million in FY2011, \$3.7 million in FY 2012 and \$3.9 million in FY 2013 were not funded. The Governor and the Legislature must recognize our solemn statutory responsibility to strategically invest in the future of our coordinated correctional system;
- There are no Investment Fund monies available to continue the pretrial, diversion, and reentry work previously provided by board staff. The federal grant that initially created the position has expired and thus, there is no longer a pretrial coordinator;
- There has been an unwillingness to look at more mission changes for our county and regional jails;
- The Board has learned through experience that joint purchasing does not always result in cost savings to the counties and so it is an on-going challenge to determine which types of joint purchases yield a cost savings and which do not;
- The Board must deal with CAP issues that were incorrectly configured resulting in structural losses of revenue to the system;
- The Maine Department of Corrections continues to benefit financially from a marginal rate provided by county and regional jails;
- The Board of Corrections accepted a budget reduction request by the Streamlining Task Force in the amount of \$335,513 in FY 13;
- There are significant concerns with future cost savings measures and streamlining initiatives that may be assigned to the Board of

Corrections. A high priority of the Board must be to make sure our coordinated correctional system is adequately funded including infrastructure and other capital needs;

- Many of our county and regional jails are in danger of going into a state of disrepair due to the dwindling balance of available Investment Fund monies;
- Maine Care cuts could have a major financial impact on county and regional jail budgets;
- Some county and regional jail facilities could benefit from additional pretrial and reentry services staffing;
- The effective Criminogenic Addiction Recovery Academy (K-CARA) program could potentially be in jeopardy due to budget constraints;
- The Board of Corrections continues to spend the majority of their time on budget related issues and not policy related issues which has limited the ability of the board to develop the cohesive and coordinated integration of systems;
- The Board must be ready to tackle the tough decisions in order to reinvest savings derived from future mission changes to improve the overall county correctional system using evidence based practices;
- The Board must create future operational efficiencies to allow significant investment in financial and human resources; and
- There must be a willingness of those in the county correctional system to recognize that current investments may need to be significantly altered as we move the system forward.

VIII. Defining the Future Coordinated Correctional System

At the advent of the Board of Corrections, a number of over-arching goals were developed. Though the make-up of the Board has shifted, the goals of adopting policies to maximize system efficiencies, reduce recidivism, and improving access to pretrial services, remain.

It is the responsibility of the board to begin to take substantive steps towards implementation of a broader vision for the coordinated system in Maine. This broader vision is broken down in this annual report into two distinct sections. The first is short-term goals that we aim to accomplish

by the close of 2012. The second is a strategic vision of what we would like the coordinated system to accomplish in five years. Each of these sets of goals will require the effort and collaboration of all of the counties and the Maine Department of Corrections. In order to create a coordinated system, the BOC must make a number of policy decisions, some of which may not be popular, to advance a common objective that will bring all facilities in line with a strategic vision.

Short-term Goals:

The following short-term goals will be the focus of the next year of work and collaboration.

- Hire a financial analyst/auditing firm to assist the Board in developing an understanding of the intricacies of each of the seventeen annual budgets. This will enable the board to focus on policy development and implementation rather than on the detailed analysis of expenditures within each county. It will also allow the board to begin to look at parity in funding among counties and ensure that county facilities are funded based on need and to the same level of standards. A contract has recently been executed to achieve this goal. The financial analyst/auditing firm will provide a detailed revenue and expenditure review, a comparison between significant variances, examine significant differences in line item costs, and identify categories of spending that could be consolidated to achieve savings. The analyst will also review county fund balances and subsequently develop a fund balance proposal that balances the needs of individual county and regional jails against the financial resources of the Board's investment fund.
- Adopt a Capital Investment Plan. Currently, a draft plan is in progress, which provides a basis for prioritizing and implementing short and long-term plans for property improvement over the next ten years. This plan accounts for future maintenance and infrastructure improvements, offering predictability during the budget process. This plan is flexible in nature and will adjust to prioritize for critical safety, ADA, technology, and infrastructure needs as they arise.
- Begin a system-wide discussion regarding the future mission of county facilities. In particular, develop a strategy to address particular inmate populations such as differing risk levels of offenders, gender responsive programs, mentally ill offenders, and other populations with distinct needs.
- Adopt policies regarding the following programming issues:

- System-wide adoption of one inmate classification tool;
- Adopt pretrial service standards (currently in draft form);
- Select and implement a pretrial risk assessment for use in all jurisdictions;
- Develop continuing education standards for correctional officers which includes a focus on risk reduction principles; and
- Develop standards for reentry services throughout the system.

Long-Term Vision:

The Board of Corrections has the opportunity to advance a coordinated system of county and regional jails throughout an entire state. Each Sheriff, Jail Administrator, or County Commissioner has a slightly different view of the role of their facility and what the system should look like as a whole. It has been a challenge at times to achieve a common vision forward as we look to reduce our individual silos and become a coordinated system. While the board welcomes the diverse viewpoints of all of its constituencies, it is time for a vision to be brought forward which unites, rather than divides, the interested parties.

A coordinated system requires more than each jail providing the same financial data on deadline, having parity in the number of transport vehicles or staffing, or collaborating in joint purchasing programs. It requires that our jails begin to operate in a different manner.

The board has identified a number of fiduciary responsibilities it has to the taxpayers of Maine. In addition, the county and regional jails of Maine also have the obligation of, and excel at, maintaining safe facilities. But, the goal of this coordinated system is not only “command and control” or financial stewardship, but to also begin to make in-roads as to how we intervene in the lives of inmates. To promote the public’s interest, we must aim to reduce recidivism through effective correctional intervention. Ultimately, this is the most cost-effective step we can take and does the most to promote public safety.

The vision for the Board of Corrections moving forward is the true coordination of county and regional jails on every level. While correctional institutions in Maine must meet specific and certain jail standards in terms of physical space and layout, use of restraints, caloric offerings, and other such standards, at this time there is no set of standards for comprehensive programming on a systemic level. The board seeks this coordination in order to advance the goals of reducing recidivism and effectively managing limited bed space.

The long-term vision for the Board requires that the administration of the different facilities be willing to look at changing the way that business is

done. This includes changing their classification system, being willing to house prisoners differently, and investing in programs that emphasize risk reduction and employ the principles of effective correctional intervention. While some facilities have taken the opportunity to embark on some of these initiatives already, all facilities must be willing to evaluate and improve their in-house programming and contracted services. The board envisions evidenced-based programs and comprehensive reentry and pretrial services in every jail in Maine.

To achieve this goal, the board seeks the input and collaboration from all correctional stakeholders, including the focus groups and the Corrections Working Group. Much of the vision work was completed during the inception of the board and its first several years. It is now time for the board to take action on the above detailed short-term matters and to develop an implementation plan to achieve the coordination of services within the system.

Prudent investment in targeted service delivery will reduce the cost of corrections in Maine. This will allow resources to be focused on maintaining safe facilities, ensuring that correctional staffs are well trained and fairly compensated, and will promote public safety. Without investment in these areas, the costs of corrections will continue to climb and our system will continue to struggle to meet the most basic needs of the fifteen jails it seeks to support. Furthermore, without investing in rehabilitative correctional programming, the board will fall short of its responsibility to reduce recidivism and to promote public safety.

Conclusion:

The Board of Corrections continues to face many significant challenges in 2012. In the past year, the board has taken action steps to accomplish a number of goals including contracting with a financial analyst, creating a Capital Investment Plan, and programmatic improvements. The board will continue to seek support from the Maine State Legislature and the Governor's Office in meeting the ongoing challenges of the Inverse Debt requirements, infrastructure needs, and support for programs that aim to reduce recidivism.

IX. Legislation

The Board of Corrections is not submitting any recommendations for amending any laws related to the board or our county coordinated correctional system at this time.

In closing, thank you for your continued cooperation in assisting the Board of Corrections in meeting our statutory requirements.

Please let me know if there is anything else the Board of Corrections can provide.

Sincerely yours,

Colonel Mark A. Westrum
Chairman of the Board of Corrections