

## Executive Summary

This project began in March 2013 with funding from the Bureau of Justice Assistance, U.S. Department of Justice. The consultant spent 15 days on site in Maine jails, and committed additional hours analyzing information and data and preparing this report. A great deal of assistance was provided by jail staff, the Board of Corrections (BOC) and the Maine Department of Corrections (DOC).

The process has focused each of the counties, providing them with an introduction to the latest staffing analysis methodology and tools to assist counties to prepare, present, explain, and defend their budget requests. *Counties must submit "real" budget requests to the BOC, establishing a credible statement of need.*

This report provides appendices that provide insights into each jail and lockup. Recommendations are offered where appropriate. The consultant hopes that this project will help the BOC to gain a better understanding of jail operations and facilities, providing a better foundation for BOC decisions.

## Maine Jails- Conditions and Challenges

This project identified many themes. Not all of the following observations apply to *every* jail, but each statement applies to at least *several* jails.

### Facilities

- Aging, some are decaying.
- Maintenance is declining because of lack of funding.
- Repairs are put off until the situation is acute; preventive maintenance has been diminished.
- Many of Maine's jails are seriously crowded; in some instances, inmates sleep on floors.

### Inmates

- More of admissions and higher overall daily occupancy of jails and lockups.
- Higher proportion of pretrial detainees vs. sentenced offenders.
- More have mental health problems.
- Less healthy.
- More idle while in jail.
- Spending longer in confinement.
- Fewer State inmates, continued housing of Federal inmates.

### Inmate Programs and Services

- Some bright spots with new and innovate programs.
- Innovation has often met with resistance from other counties who fear new program costs will take funds they need to maintain basic safety and security.
- Erosion of basic and enhanced programs on all fronts.
- Opportunities to make constructive use inmates' time are being lost.
- Pretrial diversion and other alternatives are not expanding, some efforts are being cut back.

### Staff

- Fewer staff; cutbacks usually start with support staff, then program staff, and are now resulting in reduced security personnel.
- County officials hesitant to fill vacancies for fear that BOC funding will not be provided on schedule.
- Increase in pay results in cuts somewhere else in the budget-- officials hesitant to give raises.
- Employees are discouraged, morale is low.

Many of the preceding conditions are related to funding, or more accurately, the lack sufficient funds to supply the number of beds that are expected. In the past few years jail funding has not been based on need; rather, jails are told how much they will have to work with, regardless of actual costs. The Board has not been successful in its efforts to secure consistent, sufficient state funding.

Last year, a technical assistance report provided by the National Institute of Corrections (NIC) raised concerns that the Board is not equipped to understand the risks posed by the growing gap between jail needs and the funding that is provided. This project was created to address those concerns.

*Role of the Maine Department of Corrections.* Over the past 40 years, the DOC has been the moving force that raised all aspects of jail conditions and operations through standards, inspection, assistance, and enforcement. As a result of the DOC's efforts, all Maine jails have been replaced or rebuilt.

Without the DOC, its willingness to assist jails, and its vigilance, the quality of the jails brought under Board supervision in 2009 would have been greatly diminished. Since 2009, overall jail conditions, safety, security, and effectiveness have declined.

Changing roles. The role of the DOC seems to have changed with the creation of the Board. Prior to 2009, when counties paid all their jail costs, the Department was a strong and effective advocate for sufficient jail funding. *The consultant believes that the Board needs to become the advocate for jails, while the DOC continues to promote standards compliance.*

Budgeting. Staffing is not adequately connected to the budget process. In many instances, budget requests submitted by the counties are not accurate. *This project provides the methodology to enable all parties to draw a straight line between: (1) DOC staffing requirements; (2) the hours that are needed to implement required staffing practices; and (3) the dollars needed to deliver the hours.*

Staffing. All of the staffing levels and practices described in this report were prescribed by the DOC. Jail operators understand that the DOC-approved staffing plans must be implemented. But the consultant found evidence that relieved coverage was not consistently deployed in some jails. *The consultant recommends that the BOC monitor actual deployment of staff to ensure compliance with DOC staffing plans.*

Capacity. Jail capacity continues to be set by the DOC. The consultant found many jails-- under pressure to use all of their beds to meet "budgeted capacity"<sup>1</sup> expectations-- were reclassifying inmates to fit the types of beds that were available. *The consultant urges the Board to establish "operating capacities" for each facility, and to respect those limits.* This report provides recommended operating capacities for each jail.

Monitoring Performance. There is no shortage of data describing the logistics of Maine jails. But no one is asking for information and data that describes how well jails are working—in terms of safety, security, and effectiveness as defined by the Board and the legislation that created it. *The Board should establish a process for gathering critical performance information and data, and periodically analyzing it to inform its decisions.* The consultant has outlined several approaches and identified some resources. The DOC is also an excellent resource because it uses performance measurement as an effective management tool.

Changing the systems. During its first year, the Board effectively involved stakeholders, charting a course to improve just about every aspect of jail operations, and more important, to reform the systems that drive the demand for jail beds. Budget issues quickly diverted the attention of all parties. *It's time to get back to the proactive efforts that held such promise in the beginning, starting with pretrial case processing.*

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<sup>1</sup> "Budgeted Capacity" is a term developed by the Board to define the number of beds that the Board expects each jail to make available to the system in exchange for annual funding. In many cases it is a misnomer because the funds provided are not sufficient to operate the expected beds in a safe and secure manner.