

**Technical Assistance Report
for the
MAINE BOARD OF
CORRECTIONS**

Provided by the
**National Institute of Corrections
U.S. Department of Justice**

June 28, 2011

Technical Assistance Report: Maine Board of Corrections

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National Institute of Corrections

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DISCLAIMER

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This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on-site technical assistance did so through a cooperative agreement, at the request of the Maine Board of Corrections Working Group, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Mr. Rod Miller and Ms. Rebecca Ney. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

Executive Summary

This report presents the observations, findings and recommendations generated by two consultants who were provided to the Maine Board of Corrections by the National Institute of Corrections, U. S. Department of Justice. The consultants, Rod Miller and Becki Ney, spent eight days on site in early May and were funded for another 12 days of effort.

Four years after sweeping legislation was adopted in an effort to unify detention and corrections at the state and local level, the results have been mixed. While the newly-created Board of Corrections is under fire from many parties, no one believes that it is possible to return to the earlier system in which jail costs were funded solely by property taxes.

The Board believes a recent statutory revision “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...” *We agree that the Board should focus all of its efforts on county level detention and corrections.*

Selected Findings and Recommendations

Statutory Provisions. We found a great deal of confusion regarding the Board’s current powers, and its priorities. Many were surprised at the authority invested in the Board when the statute was brought out and reviewed. *The Board needs to remind itself of its mandates, and educate others, as a prelude to moving forward.* (p. 12)

Information and Data. We found no shortage of numbers—inmate statistics, bed availability, costs, revenues, fund balances and more. In many instances we found several answers to the same question, each correct in the eyes of the provider. *The Board needs to identify the information and data it needs and develop protocols and processes that ensure accurate information will be available when needed.* (p. 17)

Increase Effectiveness, Decrease Future Needs. Prior to the creation of the Board, several statewide initiatives examined pretrial practices, sentencing and other dimensions of the local justice system. Many recommendations were offered and consensus was developing among the stakeholders. Progress on these long-term system improvements stalled when the Board was created. We believe that such initiatives are critical to the long-term success of the system. *The Board should develop a long-term plan to promote continuing efforts to manage the jail population and improve the effectiveness of correctional efforts, consistent with the principles of evidence-based practices.* (p. 19)

Finances. Budgets and Costs consume too much time for all parties. Many county and jail officials believe that funding for jails has not increased in the past four years. In fact, total funding has grown by over 20%. The CRAS system was developed by DOC staff. It provides a good starting point for bringing consistency and transparency to the financial activities of the Board. But the value of CRAS, or any such system, is determined by the accuracy of the information that is entered by each user. Recent events suggest that the data in CRAS is not as reliable as it could be. *The Board should develop better instructions and protocols to guide county financial activities and reporting. The recommendations issued by the independent auditor should be considered and assigned a priority.* (p. 35)

Consolidate Finances If Necessary. It is possible that no amount of effort will bring the counties into a system of practices that will comply with the Board’s instructions, or create a financial reporting system

that is accurate and consistent. *The Board should evaluate the financial dimensions of its work in three years, after every effort has been made to develop and implement a system that leaves responsibility for disbursing funds at the county level. If sufficient progress has not been made, the Board should look at centralizing all financial activities under its direct authority* (p. 36).

Constituency. The Board has not developed a strong constituency. This hurts when it is time to secure needed state funds. As with many Maine laws, actual funding is determined by the Appropriations Committee, notwithstanding the requirements of specific statutes. *Counties need to come together to develop a strong base of support for the work of the Board and to promote full funding for budgets that are advanced by the Board.* (p. 35)

Improve Board Operation. The Board needs to work on itself—coming together as a team, setting priorities, adopting policies and issuing rules and procedures. Stakeholders need to know what to expect from the Board and how to interact with it. *The Board should secure assistance that will facilitate its effectiveness. This will lay the groundwork for developing a strategic plan that identifies priorities and the steps needed to “get there.”* (p.16)

Measure Jail Conditions. County jails and lockups are not better off today than they were four years ago according to several measures. *The Board should identify and adopt process and outcome measures that will provide meaningful insights into the conditions and safety of county jails.* (p. 17)

Disincentives. While some new and encouraging programs have been developed at the county level, overall jail conditions have declined as crowding has increased. The legislation that created the Board, coupled with implementation efforts to date, have created many disincentives that undermine responsible fiscal management, effective correctional practices, and collaboration between the counties in general. *The Board should examine the disincentives that are identified in this report and chart a course of action that will promote professional and farsighted jail operations.* (p. 34)

Functional Capacity. Maine jails are currently operating at or near their nominal capacity (total number of beds). A jail should be considered crowded when its daily population is above its *functional* capacity.¹ *The Board should establish functional capacities for every jail and lockup.* (p. 26)

Actual Staffing. Staffing plans, which are approved by the state, have not been examined by the Board, nor has implementation of the plans been verified. Jail staffing costs account for more than 60% of total jail costs. Consistent and adequate staffing is essential for safe and secure operations. *The Board should evaluate current staffing plans and compare the plans to actual deployment.* (p. 29)

Design and Implement a Jail System. The Board has broad authority to create a county jail/lockup system by developing “parameters for facility population,” determining “individual ...county jail use,” and “downsizing or closing facilities or reassigning services.”² This authority has rarely been exercised and the alternative-- financial incentives and consequences—are not working. As a result, the nature of the jail system—number of beds, types of beds, locations—are determined by individual counties, not by the Board. *The Board should develop a Master Plan for county detention and corrections and use its authority to shape facilities and operations to implement the plan.* (p. 34)

¹ Functional capacity accounts for the need to separate inmates according to a classification system. Maintaining such separations often means that individual housing units will have empty beds. Filling these beds would require mixing inmates who have been determine to require separation, which would create unacceptable risks.

² Excerpts from current BOC legislation.

I. TECHNICAL ASSISTANCE PROCESS

A. Introduction

This technical assistance report was prepared by Rod Miller and Becki Ney, under contract to the National Institute of Corrections (NIC), U.S. Department of Justice. The report has been submitted to the Maine Board of Corrections (BOC).

A draft copy of this report was widely distributed by the Maine Board of Corrections (BOC) to ensure accuracy and to secure suggestions and comments from stakeholders.

We spent a total of 8 days on site in Maine in early May 2012, during which we were able to:

- visit 11 counties to meet with local officials and tour their jail facilities;
- meet with the BOC in Augusta;
- meet with the Maine Sheriffs' Association at their retreat (most sheriffs were present); and
- meet with nearly 150 officials and stakeholders at the local and state level.

A total of 20 days of effort was authorized by NIC. We have donated substantially more days to this effort due to the scope of the project and the needs of the client. We appreciate the opportunity to visit Maine and to work with the Board at this critical time in its development.

B. Circumstances Leading to Assistance

The Maine BOC is experiencing difficulties on several fronts. The Corrections Work Group (CWG) explored securing professional consulting services through a series of phone calls with nationally-recognized experts and organizations. Budget limitations compelled the CWG to contact the National Institute of Corrections to request no-cost technical assistance.

CWG Co-Chairs, Sheriff Glenn Ross and Department of Corrections Commissioner Joseph Ponte sent a letter to NIC, stating in part:

In an effort to reduce jail costs, the Maine Legislature passed legislation that unified the jail system within county government, with oversight provided by the State Board of Corrections. In part, the new system allowed for state inmates to be housed in county jails, provided all new operational costs to be paid for by the state and required the BOC to find efficiencies within the system. Because of State budget shortfalls, the funding of the 15 county and regional jails has been difficult, causing officials to evaluate facility mission changes, possible jail closures, and a variety of other difficult decisions.

While we believe that we have the expertise within the system to explore potential efficiencies due to programs and services, we struggle with designing a system for the future. With limited dollars, we need to make financial decisions that are right for the future while maintaining the cooperative agency relationships that we have built over the years. Certainly, due to the diverse county populations, geography and resources; a consultant might recommend that all facilities need to remain in existence, but that there might be gains that can be made through other recommendations. We would want to know that conclusion as well.

Fran Zandi, NIC's Technical Assistance Coordinator, assigned this project to Mike Jackson, NIC Correctional Program Specialist. Mike provided Glenn with a list of four possible Technical Resource

Providers (TRP) and asked the Board to select two from the list. In his email conveying the selection of Rod Miller and Becki Ney, Sheriff Ross stated:

The CWG discussed the assistance and realize that the help is for a limited time period; therefore we wanted to give guidance as to what we would like to see as the focus of the NIC consultants. It was the consensus that a system study would yield the greatest benefit. We would like to examine our county facility usage and what value it has to the system. This could involve mission changes, closures or justification to maintain a facility due to its value in the system.

Mike made arrangements with Rod and Becki, allocating funds for a total of 20 days of work for this project.

C. Activities Prior to Site Visits

Rod and Becki contacted Sheriff Ross and participated in a series of emails, phone conversations, and conference calls that explored the focus, format and timing of the site visit. Becki agreed to assemble materials and conduct telephone interviews with BOC members prior to the site visit. Mark Westrum, Chair of the Board, sent an email to Board members that introduced Becki and asked their participation in phone conversations:

“In preparation for the site visit Becki would like to conduct 30-45 minute telephone interviews with each of the BOC and CWG members. The purpose of the telephone interviews was threefold: (1) learn about members’ expectations for the assistance to assure that those expectations are met; (2) gain a greater understanding of current jail population management practices from each member’s perspective; and (3) explore the potential for expanding evidence-based offender management practices in Maine.”

Phone calls were conducted with the following officials prior to the site visit:

Michael Tausek, BOC Executive Director
David Allen, Jail Administrator - Somerset County
Scott Ferguson, Fiscal Agent - MDOC
Amy Fowler, Waldo County Commissioner
Joseph Ponte, Commissioner - MDOC
Glenn Ross, Sheriff - Penobscot County
Mark Westrum, Jail Administrator - Two Bridges Regional Jail
Douglas Beaulieu, County Administrator - Aroostook County
David Bowles, York County Commissioner
Richard Hanley, COO Spring Harbor Hospital
Randall Liberty, Sheriff - Kennebec County
Vinton Cassidy, Drafting Instructor - Retired
John O'Connell, Lincoln County Administrator
Elizabeth Simoni, Maine Pretrial Services
Marie VanNostrand, Luminosity, Inc.

D. On-Site Activities

An ambitious series of site visits was implemented over an 8-day period. Becki and Rod visited a total of 11 counties, spending an average of two hours meeting with local officials and then touring local jails in each county. Figure I-1 presents the schedule of on-site activities that were implemented.

Figure I-1: Schedule of On-site Activities.

Day	Becki Ney	Rod Miller
Monday May 7	York County 8am - 11am Cumberland County 1pm-4pm	
Tuesday May 8	Androscoggin Co. 8am – 11am Two Bridges Regional Jail (1pm-4pm)	Oxford County (8am – 11am), Franklin County (1pm – 4pm)
Wednesday May 9	Board of Corrections 10 a.m. <i>Fly out of Portland in the afternoon</i>	Board of Corrections 10 am Kennebec County (12:30pm – 4pm)
Thursday May 10		Waldo County (8am-11am) Hancock County (1pm – 4pm)
Friday May 11		Penobscot (9am – 11:30am) Washington (2pm-4:30pm)
Sunday May 12		Informal meetings with sheriffs and jail administrators in Bethel, Maine at retreat.
Monday May 13		3-hour meeting with all sheriffs and most jail administrators at retreat.

In addition to the site visits in eleven counties, Rod and Becki spent nearly 3 hours meeting with the BOC. Rod also met informally with sheriffs and jail administrators on Sunday evening, May 12, prior to their retreat. The final on-site event was meeting with the Maine Sheriffs’ Association at their retreat. A three-hour work session was held, involving most sheriffs and jail administrators.

II. OVERVIEW OF BOARD OF CORRECTIONS IMPLEMENTATION

Background/Introduction

The State Board of Corrections (BOC) was established by Public Law 2007, Chapter 653, “An Act to Better Coordinate and Reduce the Costs of the Delivery of State and County Correctional Services.” The BOC’s statutory mandate is to demonstrate sound fiscal management, achieve efficiencies, and reduce recidivism. To accomplish this broad mandate, the BOC’s mission (see BOC Annual Report, 2009) is to:

- Design, guide and invest strategically in the development of a unified state and county corrections system and to sustain and manage the system in order to accomplish the following goals:
 - Reduce recidivism;
 - Increase pretrial diversion and post conviction release;
 - Reduce the rate and use of incarceration;
 - Achieve efficiencies; and
 - Reduce the rate of growth in the cost of corrections.

One or Two Systems?

Although the original BOC legislation frequently addressed both state and county corrections facilities and operations, the first two years of Board operation involved minimal coordination with the Maine DOC . The first two BOC annual reports mentioned the DOC, but the only DOC-related accomplishment cited by the Board was to keep the DOC from sending its inmates to other states. The Board took credit for saving Maine taxpayers, through the DOC budget, \$2.9 million in the first year by making jail beds available to state inmates at nominal cost.

The BOC annual report submitted in January 2012 noted the Board’s involvement with the drafting and adoption of LD 1419, “An Act to Improve the Coordination of State and County Correctional Services.” The legislation was enacted as Public Law 2011, Chapter 374.

According to the 2012 Board report:

“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...” [emphasis added]

We did not find such an imperative in the current legislation, and our review identified many references to state corrections that remain the current law.³ In practice, we saw no evidence of efforts to coordinate state and county systems, and few examples of past activities that involved the DOC as

³ For example, “Review staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others, “ and “Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services. The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted.” Also, “**Expenditures of program.** Except as otherwise provided in this section, funding of the program may be expended only to compensate county governments and the Department [of Corrections] for costs approved by the Board and the Legislature.”

envisioned in the original legislation. Further, current BOC correspondence, reports, and even signs in the meeting room continue to promote the concept of “One Maine One System.”

We will explore this disparity in Section III of this report and offer recommendations. First, we examine what has happened since the original legislation was enacted.

Some Accomplishments

The State of Maine and the BOC have realized several accomplishments since the BOC was established four years go, including:

- Approving of 17 jail operation budgets each year;
- Saving the state DOC nearly \$3 million by housing offenders locally instead of out of state;
- Developing video arraignment and conferencing capacity within ten counties to offset court and transportation costs;
- Creating a transportation Hub at Penobscot County to coordinate and reduce costs of transporting inmates between facilities;
- Implementating the BARS and CRAS management information reporting systems;
- Creating a Re-Entry Center at the Waldo Correctional Facility that primarily serves returning DOC offenders;
- Developing some new in-jail programs such as the K-CARA program and the Veterans Unit in Kennebec County; and
- Developing a Maine Pretrial Screening Tool (MPRAI.)

The Board has also been supportive of the continuation—and at times expansion—of pretrial release screening and services, reportedly resulting in \$6 million in savings and by reducing jail occupancy by over 300 inmates. Section III B explores efforts to manage the jail population.

Report Card—Implementation of the BOC Legislation

Appendix A provides a detailed review of the language of Public Law 2007, Chapter 653 and the more recent Public Law 2011, Chapter 374. The following abbreviated review will set the stage for our analysis.

Figure II-1. Status of Implementation of Board of Corrections Statutes

Codes for Status:

N = Not completed
 P = Partial completion
 C = Completed
 U = Unknown

Abbreviations:

BOC Maine Board of Corrections
DOC Maine Department of Corrections
AC Appropriations Committee, Legislature
CJC Criminal Justice Committee, Legislature

Statutory Mandate	Status
34-A §1801. STATE BOARD OF CORRECTIONS	
1. Purpose of the board. The purpose of the board is to develop and <i>implement a coordinated correctional system</i> that demonstrates	P
• sound fiscal management	P
• achieves efficiencies	P
• reduces recidivism	P
• and ensures the safety and security of correctional staff, inmates, visitors, volunteers and surrounding communities.	U
2. State goals. The board shall develop goals to guide the development of and evaluate the effectiveness of a coordinated correctional system.	N
The board shall present its goals for review and approval by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.	C
The goals must include benchmarks for performance in the following areas:	N
A. Recidivism reduction;	N
B. Pretrial diversion; and	N
C. Rate of incarceration.	N
34-A §1803. In addition to other duties and powers set out in this Title, the board is charged with the following responsibilities and duties. 1. Manage the cost of corrections. The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the coordinated correctional system with the goal of operating efficient correctional services.	N
Additionally, the board shall:	C
A. Review, amend if necessary and adopt the correctional services expenditures in each county budget under Title 30-A, section 710;	C
B. Develop reinvestment strategies within the coordinated correctional system to improve services and reduce recidivism;	N
C. Establish boarding rates for the coordinated correctional system, except boarding rates for federal inmates;	P
D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;	N
E. Develop parameters for facility population, including but not limited to gender; classification; legal status, including pretrial or sentenced; and special needs; and	N
F. Enter into contracts on behalf of and with the consent of the county commissioners and sheriffs in the case of county jails, and with the consent of the board of directors of the regional jail authority in the case of a regional jail, for goods and services when such contracts will: (1) Lower the cost of providing correctional services; (2) Improve delivery of correctional services; or (3) Otherwise help	N

Statutory Mandate	Status
to achieve the goals of the board pursuant to section 1801.	
<p>2. Determine correctional facility use and purpose. The board shall:</p> <p>A. Determine individual correctional facility and county jail use, including the location of specialty units, which may include medical, mental health, women's and substance abuse units, other specialty units and housing of pretrial and sentenced populations;</p>	P
<p>B. Review staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others; and</p>	N
<p>C. Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services.</p>	P
<p>D. The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p>	N
<p>3. Adopt treatment standards and policies. The board shall:</p> <p>A. Adopt standards for consistent system-wide pretrial, revocation and reentry practices;</p>	P
<p>B. Adopt standards for the treatment of inmates with mental illness within correctional facilities and county jails, and in consultation with the State Forensic Service, adopt policies for facilitating the performance of court-ordered mental health evaluations within correctional facilities and county jails when appropriate; and</p>	N
<p>C. Coordinate transportation of inmates in the coordinated correctional system.</p>	P
<p>4. Certificate of need. The board shall review and may approve any future public or private construction projects. The board shall establish a certificate of need process used for the review and approval of any future public or private capital correctional construction projects. A public or private correctional construction project may not be undertaken unless the board issues a certificate of need in support of that project. The board shall adopt rules governing the procedures relating to the certificate of need process and financing alternatives. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p>	P
<p>5. Administrative duties. The board shall:</p> <p>A. Identify opportunities for and approve cost-saving agreements and efficiencies, including, but not limited to, purchasing or contract agreements, shared staff and staff training, transportation and technology initiatives. Any opportunities identified by the board must be included and discussed in the board's reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters as required under subsection 10;</p>	P
<p>B. Consult with the State Sentencing and Corrections Practices Coordinating Council established in Title 5, section 12004-I, subsection 74-E and other groups, make recommendations related to sentencing and sentencing-related practices by other state and local government entities to the State Sentencing and Corrections Practices Coordinating Council for its consideration and utilize research and reports, including those issued by the Corrections Alternatives Advisory Committee, which was established by Public Law 2005, chapter 386, Part J, section 1 and amended by Public Law 2005, chapter 667</p>	U
<p>C. Assist correctional facilities and county jails when appropriate to establish, achieve and maintain professional correctional accreditation standards;</p>	N
<p>D. Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806 and the State Board of Corrections Investment Fund program established in section 1805. The board may allocate available funds from the State Board of Corrections Investment Fund program to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county;</p>	P
<p>E. Prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution under Title 30-A, section 701, subsection 2-A.</p>	P

Statutory Mandate	Status
The board shall also 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; and	P
F. Promote and support the use of evidence-based practices.	N
6. Receive and review recommendations. The board shall receive and review recommendations submitted by the commissioner, the counties, the corrections working group established in section 1804 or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services, and other recommendations with respect to the delivery of state and county corrections services. The board shall consult with and seek input from prosecutors; defense attorneys; judges; advocates for victims; providers and advocates who work with persons with mental illness; and other interested parties.	P
7. Authority limited. The board does not have authority to exercise jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, or any aspect of the operation of detention facilities or the administration of juvenile community corrections services	P
8. Rulemaking. The board may adopt rules necessary to implement this section. Unless otherwise indicated, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.	P
9. Appeals. Only the department or a county aggrieved by a final decision of the board is entitled to judicial review pursuant to Title 5, section 11001. Such review must be limited to errors of law.	C
10. Reporting. The board shall make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the coordinated correctional system or the board.	C
11. Committee review. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.	C
34-A §1804. CORRECTIONS WORKING GROUP The commissioner, the president of a statewide county commissioners association and the president of a statewide sheriffs association shall develop a memorandum of understanding for approval by the board that establishes an informal corrections working group consisting of representatives of the department, sheriffs and county commissioners.	C
The corrections working group shall meet as needed and as requested by either one or both co-chairs to engage in information sharing and to discuss and resolve any issues or problems experienced in daily operation of the coordinated correctional system, including the placement of inmates. The group shall advise and assist the board in the ongoing improvement of the coordinated correctional system. In carrying out this function, the working group may consult with experts and stakeholders, including but not limited to prosecutors, defense attorneys, judges, victim advocates, providers and advocates for persons with mental illness and other interested parties. If an issue arises that cannot be responded to by the working group, the board shall meet to review the issue. The working group shall report to the board	C
34-A §1805. STATE BOARD OF CORRECTIONS INVESTMENT FUND PROGRAM 1. Program established. The State Board of Corrections Investment Fund program, referred to in this section as "the program," includes General Fund accounts and Other Special Revenue Funds accounts for the purposes specified in this section. 2. Expenditures of program. Except as otherwise provided in this section, funding of the program may be expended only to compensate county governments and the department for costs approved by the board and the Legislature. 3. Sources of funding. The State Controller shall credit to the Other Special Revenue Funds accounts of the program: 4. Unencumbered balances. Any unencumbered balance in General Fund accounts or Other Special Revenue Funds accounts remaining at the end of any fiscal year does not lapse but is carried forward to be expended for the purposes specified in this section and may not be made available for any other purpose.	P
5. Report by chair of the State Board of Corrections. The chair of the board shall report at least annually on or	C

Statutory Mandate	Status
before the 2nd Friday in December to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report must summarize the activity in any funds or accounts directly related to this section.	
<p>34-A §1806. COMMUNITY CORRECTIONS FUNDS DISTRIBUTED BY BOARD</p> <p>2. Establishment of County Jail Prisoner Support and Community Corrections Fund. The County Jail Prisoner Support and Community Corrections Fund is established for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained in or sentenced to county jails and for establishing and maintaining community corrections.</p> <p>3. Distribution. Beginning July 1, 2009 and annually thereafter, the board shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97....[see breakdown]</p>	C
<p>4. Authority to deviate from percent distribution. Notwithstanding subsection 3, the board may alter the percent distribution to a county based on a substantial change in the nature or extent of correctional services provided by that county.</p>	N
<p>5. Change in state funding of county jails. If a county experiences at least a 10% increase in the total annual jail operating budget or if a county issues a bond for the construction of a new jail or renovation of an existing jail, the county may file with the board a request for an increase in the amount of state funds the county receives for the support of prisoners.</p>	U
<p>6. Community corrections program account. Each county treasurer shall place 20% of the funds received from the board pursuant to this section into a separate community corrections program account. [see footnote for more.]</p>	C
<p>7. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. [see footnote]</p>	C

The full report card is provided in Appendix A, which also identifies some of the recommendations that correspond to specific elements of the Board's legislation.

III. FINDINGS AND RECOMMENDATIONS

A. Board of Corrections Organization, Structure and Authority

Structure

The Board of Corrections is comprised of nine volunteer members appointed by the Governor, assisted by a full time executive director. Since its establishment, the BOC has submitted four annual reports to the state pursuant to 34-A MRS Section 1803 Subsection 10.

The Corrections Working Group was also established by PL 2007, Chapter 653 and is composed of 8 members. According to the BOC January 2012 Annual Report, “The Corrections Working Group works collaboratively to address issues concerning the daily operations of facilities, provide guidance to focus groups, and move issues up to the Board level for consideration as needed.”

In addition, the Corrections Working Group has 11 focus groups--budget process, education, forensic evaluation, information technology, inventory of needs, medical, mental health and substance abuse, pharmacy, pretrial/diversion, transportation, and victim services-- that provide advice on issue critical to jail operations and management.

There have been and continue to be many challenges, including:

- Shrinking revenues, property tax caps, inverse debt, needed capital improvements, and other issues have hampered BOC efforts to secure sufficient funds for basic jail operations and much-needed programs;
- Budget issues have been all consuming and have driven BOC decision making to the exclusion of other important topics, such as jail population management and implementation of ongoing strategies to develop a coordinated corrections system);
- Implementation of systemic changes , such as statewide pretrial services, diversion, uniform inmate assessment and classification, and bail reform, have proceeded slowly due to budget issues, and in some cases, due to resistance to change; and
- True collaboration among stakeholders (courts, law enforcement, corrections, county and state government, community) has not been implemented statewide.

Observations and Recommendations

This section of the report highlights the status of several aspects of the BOC’s operation and offers recommendations for strengthening the Board’s organization, structure, decision making process and collaboration as observed by the NIC consultants and voiced by more than 150 Maine stakeholders interviewed individually or in focus groups through the course of this TA effort. Lastly, there is some discussion and a recommendation regarding longer term changes to the BOC’s authority and statutory mandate.

BOC Organizational Structure

Observations

- *Focus Groups:* The current eleven focus groups have had no direction in recent months. This is not a new problem, and in fact, has been an issue for some time. A few focus groups have continued to meet on their own; others have not met at all. While many focus groups did

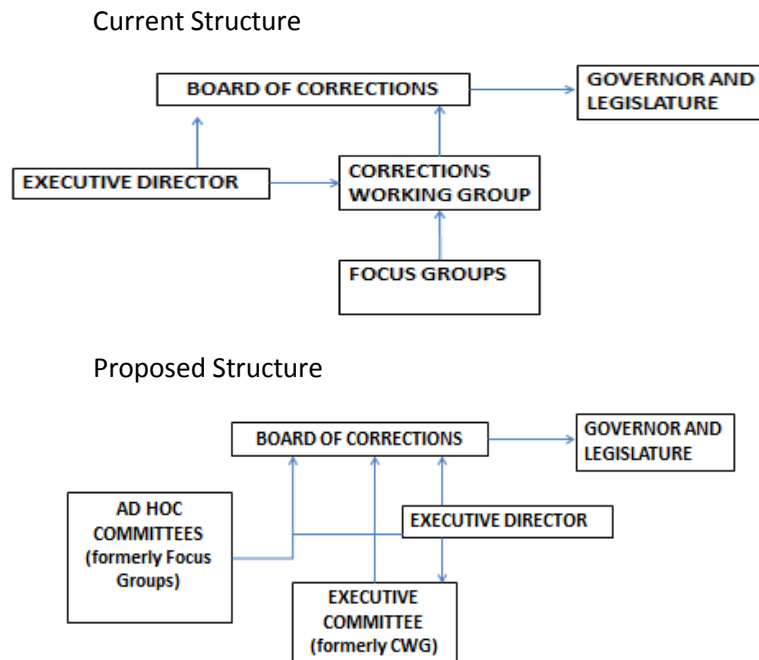
accomplish significant objectives (for example, implementation of videoconferencing, transportation hub and pretrial services), they were established to accomplish BOC goals that were defined a few years ago and their purpose and mission has not been revisited since. Stakeholders expressed uncertainty about the status of some of the focus groups, asserting there is no clear guidance from the BOC or CWG about what the focus groups are supposed to be doing. Some felt the focus groups should report directly to the BOC rather than to the CWG. Others felt the focus groups had run their course.

- *Roles, Responsibilities and Reporting Relationship between the BOC and Corrections Working Group:* Both the BOC and CWG were created by legislation. There are a few overlapping members. Maine stakeholders, BOC members and CWG members describe the CWG as the primary task group of the BOC. As such, the CWG meets to discuss a wide range of issues, including jail operations, county jail budgets, transportation, and service contracts. In many ways the CWG acts as the “Executive Committee” of the BOC. Some stakeholders expressed some confusion with respect to the definition of the respective responsibilities of the BOC and CWG.

Recommendations

Recommendation A-1. Streamline the BOC’s organizational structure to more clearly delineate the BOC, CWG and Committees. The current and proposed structure is presented in Figure III-1.

Figure III-1: Current and Proposed Structure of Maine Board of Corrections



- *Recommendation A-2. Re-affirm the roles, responsibilities and reporting process of the BOC and CWG.* Greater clarity about the specific roles and relationship of these entities is needed by the wide range of stakeholders who interact with the BOC and CWG. Consider what changes may be needed if the Corrections Working Group were to act more as a BOC Executive Committee.

Reserve some time at an upcoming BOC/CWG meeting to discuss and agree on each group's roles and responsibilities, expectations of each other, and reporting. Revise descriptions on the Board's website and in all other materials. Communicate changes to state and local stakeholders. Reaffirm the roles and responsibilities of the Executive Director in light of any of these changes.

- *Recommendation A-3. Implement new committee structure.*
 1. Complete work of current focus groups.
 - Undertake a review of the focus group work to date. What has been accomplished? What recommendations should be brought forward that have not yet been addressed?
 - Determine if there are any current focus groups that should continue as ad hoc groups (see below).
 2. Consider use of ad hoc committees as needed. Some issues to consider when implementing an ad hoc committee structure include:
 - Ad hoc committees are appointed by the BOC as needed to address specific issues;
 - They are short-lived – meeting as long as is needed to accomplish their mission in an efficient manner;
 - Ad hoc committees report directly to the BOC with findings and recommendations on the assigned objective within specified time frames;
 - Consider appointing only a few ad hoc committees at a time to address priorities and goals to consolidate resources; and
 - Consider including one BOC and one CWG member as well as others with knowledge and skills to address an issue. Also consider opportunities to enhance collaboration with other agencies and stakeholder groups through ad hoc committee membership.
 3. Re-task the current budget committee as a standing committee;
 - Develop a plan to implement the independent audit recommendations and present to BOC for review and decision making;
 - Establish consistent and certain budget process, including one budget format for all, and budget guidelines;
 - Implement additional recommendations described in Section III. D of this report; and
 - Shoulder primary responsibility for the initial review of annual budgets.

BOC Collaboration and Decision Making Process

Observations

- *BOC and CWG meeting schedule and duration:* Many of those interviewed suggested that “there are too many meetings that don’t accomplish anything.” Understandably, the BOC and CWG have been under enormous pressure to approve county corrections facility budgets and to make timely payments. These tasks are even more challenging because they occur in an environment of dwindling financial resources and expectations to “do more with less.” Meetings have been more frequent than expected. Typically, state-level groups in other states meet no more than monthly, and some only meet quarterly if there is an active Executive Committee that meets more frequently. The frequent BOC meetings have posed a hardship for those who travel great distances to attend the meetings. Most BOC members have full-time responsibilities outside of the BOC work. *BOC Operating Norms.* Many of those interviewed expressed frustration with the amount of time spent on budgets in BOC and CWG meetings, to

the exclusion of all other topics. Others suggested that agenda time frames be established and enforced to assure adequate time to address other issues. In addition, some stated that anyone may attend meetings, consistent with Maine open meetings laws, but that there is no clear BOC definition of the role of non-members during BOC meetings. Some observed that this, at times, created a “give and take” with the audience and that may have influenced the Board’s willingness to vote on controversial issues. One person suggested that the “BOC is paralyzed, knowing that whatever decisions they make will be criticized.”

- *BOC Collaboration.* Many BOC members are professional colleagues, although not all board members know each other or have worked together in the past. Everyone interviewed agreed that, “We want it [the process] to work, but IT IS NOT.” Conversely, many also acknowledged that the BOC was the group they felt could exercise strong leadership on jail issues with the state and others. Some asserted that this was the result of paralyzing budget issues, and the inability to gain the trust and strong support among counties necessary for the BOC to take the lead on these issues. As a result of the difficult and challenging financial decisions facing the BOC, an environment of distrust has grown over time. This hurts relationships and there is a sense that “each county is for itself.” But most of those interviewed during our site visit agreed with the vision of a coordinated statewide corrections system and expressed a willingness to work towards this vision.

Recommendations

- *Recommendation A-4. Hone skills as individual team members and as a team.* All teams can benefit from improving their skills as BOC and CWG team members. There are many resources available to assist groups in becoming high performing teams (such as www.collaborativejustice.org). These are not listed here but are available on request. Consider reserving some time (no more than 15 minutes) at each BOC meeting to discuss process issues: How do we as BOC members feel we are working together?; What is working well about our collaboration?; Where can we shore up our collaboration? What specific steps can we take to address collaboration challenges?
- *Recommendation A-5. Develop specific operating norms for the BOC and CWG to work together.* The BOC should also reserve some time at an upcoming meeting to reiterate their ground rules (a team exercise for developing ground rules may-- be found at the website noted above): What is the role of the public at BOC meetings? When/how will the BOC get public feedback? Is there a specific meeting schedule? What is specifically expected of members? What happens if members don’t/can’t come to meetings? What are the specific responsibilities of the CWG versus the BOC -- How are they alike and different, are there overlapping responsibilities, etc.? What is the BOC’s decision-making process? Does the BOC operate by consensus decision-making? It is important to clearly articulate the BOC/CWG operating norms and have members agree on them. These norms should be posted in the BOC meeting room with the Board’s mission, values and goals, and on the BOC website.
- *Recommendation A-6. Review meeting schedule, frequency, length of meetings; reschedule as appropriate.* The BOC should review its current meeting schedule to determine if it still makes sense in light of other potential changes to its organizational structure. For example, does the BOC want to meet less frequently (perhaps bi-monthly or quarterly) in longer sessions (if needed)? Should the CWG meet more frequently?

- *Recommendation A-7. Establish a “standard” agenda format that allows for the discussion of issues critical to the BOC.* Despite the current fiscal crisis, the BOC should consider developing balanced agendas for their regular meetings that allow for the discussion of: immediate issues; process issues (no more than 15 minutes as noted above); jail population management issues; and progress on strategies to achieve their vision. It is possible that additional special meetings will be needed to address immediate issues that cannot be resolved at regularly scheduled meetings; however, the BOC should guard against using all their time to address single issues to the exclusion of all others.
- *Recommendation A-8. Consider conducting an annual BOC retreat.* The BOC may benefit from an annual full day retreat. The purpose would be to assess progress towards goals in the previous year and develop goals and priorities for the coming year. The BOC may also review the work of any ad hoc committees and agree on the formation of committees for the coming months. An annual retreat could also provide the BOC the opportunity to review, as a team, emerging research with respect to reducing recidivism, or become more familiar with emerging best practices in the field. An annual retreat also provides the opportunity for the BOC to develop a longer term strategic plan and measure its performance with respect to that plan. A retreat would also enhance board member trust and strengthen professional relationships.
- *Recommendation A-9. Consider working with an outside facilitator at a BOC retreat or special meeting.* There are many skilled facilitators in Maine and in other locations who may assist the BOC and staff in the development of annual retreat goals and agenda and/or assist the BOC in conducting results-driven meetings.
- *Recommendation A-10. Work deliberately to strengthen collaboration.* Again, the BOC may wish to devote some time at an upcoming meeting to identify specific strategies for: building bridges with those they believe have become estranged; identifying and working with stakeholder agencies with whom they have goals in common; and enhancing their working relationship with the state department of corrections.
- *Recommendation A-11. Exercise its leadership.* The BOC has a unique role that is defined by statute, providing the opportunity to move toward the vision of One Maine One System. One of the issues most often cited by those interviewed is the perception that BOC does not exercise its leadership and decision making authority in this regard. Many of the recommendations that precede this one, if implemented, will assist the BOC to articulate its leadership and decision making roles and responsibilities. The BOC should consider developing specific strategies for enhancing the statewide perception of them as a strong corrections leader and player in state corrections. Building alliances with counties commissioners, judges, sheriffs, jail administrators, prosecutors and others regarding the safe operation of jails will also assist the BOC in building its reputation as a corrections leader in the state.

BOC Goals, Priorities, and Strategic Planning

Observations

- *The BOC does not have a five year strategic plan.* BOC and CWG members and others agree that the BOC should have a strategic plan to guide its efforts.

- *The BOC feels too overwhelmed to focus on broader jail coordination and population management issues as a result of the constant budget crises.* Many BOC and CWG members interviewed expressed their feelings in several ways: “We can’t get to the broader jail population management issues until we resolve budgeting issues.” “We don’t have a strategic plan, but we should have something to guide our efforts.” “We can’t do more than we can until the judges and DA’s agree to work with us.”
- *The Board does not have a standard measurement plan.* The BOC has not developed a plan for measuring its progress beyond cost benefits. Some, like Pretrial Services, do attempt to quantify their outcomes, but generally the notion of a performance management plan does not yet exist.

Recommendations

- *Recommendation A-12. Establish five year strategic plan and establish annual priorities.* The consultants strongly urge the BOC to take the time to focus on broader, long term issues beyond jail operations funding, despite the short term budget crises. The BOC should establish a few key priorities to work toward each year. The BOC and most stakeholders interviewed agree that the CACC, Pretrial, and Alternative Sentencing reports provide the blueprint what should be accomplished. The BOC is well positioned – and especially now with full time staff – to review these reports and develop a plan for implementing key recommendations. The BOC may start with those recommendations that are “low hanging fruit” or those that have little cost implications. Progressing toward the One Maine One System vision of a coordinated statewide jail system absolutely requires the articulation of a strategic plan by the BOC.
- *Recommendation A-13. Develop and implement a dashboard and/or performance measurement plan.* The CRAS and BARS information systems provide basic jail population information, but does not allow for the analysis of issues the BOC may be interested in tracking (i.e. per meal costs across all facilities, more detailed profiles of special populations, range of bail amounts by crime type, most serious charges and number of charges per individual of jail population across the state, actual staff deployment, length of time awaiting pretrial decision making, etc.). One way to begin to establish a more robust measurement system is to develop a dashboard that highlights a few critical issues the BOC is interested in tracking over time. A dashboard provides quick and easy way to understand information in a summary, one page fashion. Additional performance measures should be identified and tied to BOC priorities and annual goals. Every attempt should be made to identify and collect data to monitor implementation activities as well as short and long term outcomes. It is important to pay attention to the implementation *process* as well as the outcomes.

BOC Authority and Membership

Observations

- There was some debate about BOC’s authority to compel compliance, approve budgets, and require counties to implement jail population management strategies.
- There seems to be agreement by all parties that the Board’s “One System” scope, which seeks to integrate county and state corrections, should be revised to direct the Board to develop and implement a coordinated county system.

- Many stakeholders expressed frustration with the lack of meaningful participation by the broader criminal justice community. As the work of the Board moves forward, different interest groups may be identified or may become more critical to the success of the Board. During our discussions, increased participation by the judiciary, prosecution, labor organizations, and other stakeholders was suggested.

Recommendations

- *Recommendation A-14. The BOC should secure legal opinions that clarify the nature and extent of its authority.*
- *Recommendation A-15. The Board should seek legislation that will clearly redefine the scope of the Board's purpose and authority, reconciling all language in the current statute to that end.*
- *Recommendation A-16. Membership: The Board should evaluate its membership annually and determine if changes should be made in its composition and/or in the composition of its committees.*

B. Jail Population Management

OVERVIEW

From 2004-2008 there was an 11.8% (2.9% per year) increase in jail populations in Maine. For the next three years the rate of increase declined to 1.4% per year. During this period the total jail population was relatively stable, with approximately 1,650 inmates. Jail admissions peaked in 2007 at 47,544, and declined to an average of 36,326 for the years 2009, 2010 and 2011. In this same time period, 2009-2011, women were 14% and males were 86% of the daily jail population.

Two significant studies were conducted in Maine in 2006 that provide a blueprint for effective jail population management and the implementation of evidence-based practices:

- Final Report of the Corrections Alternatives Advisory Committee (CAAC), December 2006
- Pretrial Case Processing Final Report. Luminosity, Inc. Van Nostrand, Marie. September 2006.

In the Pretrial Case Processing report, 22 separate findings and recommendations were highlighted that emphasize the need for pretrial services in Maine to address the significant number of pretrial defendants housed in county jails.

The CAAC report focused on the development of recommendations pertaining to:⁴

- Improving the efficiency and effectiveness of pretrial case processing;
- Reviewing the use of split sentencing sanctions; and
- Establishing a leadership and planning committee to revise the Community Corrections Act (CCA) and facilitate the development of local and state capacity to support this work.

The CAAC made 7 broad recommendations that are reiterated here verbatim because they are as relevant now as they were in 2006:⁵

1. **Reform Maine's Bail System:** Maine's bail system must be reformed to ensure compliance with both the purpose of bail and the defendant's legal and constitutional rights. Revisions to the Maine Bail Code, modification of the standardized conditions of release form, improved access to criminal records, a redesign of the current system for initial pre-conviction bail setting, expansion and restructuring of pretrial services, and implementation of Automated Fingerprint Identification Systems (AFIS) in jails are all necessary to ensure compliance with the law and provide for the most efficient, effective, and just bail system in Maine.
2. **Improve Pretrial Case Processing Efficiency:** Opportunities exist within Maine's system for pretrial case processing for increased efficiency system-wide. Recommendations also include county-specific practices that can serve as models for other counties. An examination of the current practices of key system participants, the identification of causes of case processing delays and the implementation of case processing efficiency measures are necessary to ensure the most effective case processing. Revising policies related to court attorney appointment, drug treatment court admissions, grand jury summoning, and the presence of Lawyers of the Day (LOD) at initial appearances can all lead to significant efficiency gains in case processing. Additional Maine Judicial Branch resources focused on the "front end" of the system will produce significant improvements in efficiency, effectiveness, and pretrial justice.

⁴ See page 3 of the report.

⁵ See pages 7-9 of the report.

3. **Integrate Risk and Need Assessments into Criminal Justice Processing:** Sentencing and related decisions, including the setting of bail, must be tied to offender risk level. To do this, sentencing judges and post sentencing agencies must use a validated risk assessment method that meaningfully differentiates between offenders who are high, moderate, or low risk. Length of supervision and the services provided must be clearly tied to an offender's risk level. Sentencing judges need to have options at their disposal that are appropriate for the risk level of the offenders being processed.
4. **Ensure the Availability of an Evidence-Based Treatment/Sanction Continuum:** Judges must have a full range of EBP treatment/sanction options available to them, whether at a bail hearing or at the time of sentencing. Recidivism can be reduced through creating a continuum that does not rely solely on surveillance techniques (electronic monitoring, curfews, increased reporting). A balanced continuum of intermediate steps must include options that increase the likelihood of compliance in the future.
5. **Disseminate and Use Evidence-Based Practices Information in Decision-Making Wherever Appropriate:** The most effective strategy for reducing recidivism is through a comprehensive, system-wide approach to the application of evidence-based practices. Sentencing policy changes alone will not reduce recidivism. Reducing recidivism through evidence-based practices is the key to enhancing public safety and reducing harm to the victims and the community. All relevant stakeholders, including the victims and members of the community, must be knowledgeable about evidence-based practices and understand how they relate to overall public safety goals.
6. **Facilitate Interagency Coordination:** For a "system" to be truly efficient, it is vital that mechanisms be established whereby all key system participants work in cooperation and coordination and in a manner that optimizes limited resources and results in the most efficient processing of pretrial cases through the criminal justice system. Local criminal justice coordinating councils in conjunction with a statewide council are proven vehicles to facilitate the interagency coordination necessary to insure the most efficient and effective criminal justice system.
7. **Increase Financial Support for Community Corrections Programs and Separate from Jail Subsidy:** In its Interim Report, the CAAC emphasized that funding for community corrections programs should be separated from state subsidies for the on-going operation of county jails. Separating these two funding streams will emphasize the importance of community corrections programs as a means to improve the efficiency and effectiveness of our correctional system. The CAAC also recommends that, on an interim basis, increases in state support for local corrections be targeted to community corrections programs until the community corrections portion of all state support to local jails and programs reaches a set, higher percentage. The CAAC is also recommending the creation of a Correctional Program Incentive Fund. For a further discussion of these recommendations, see the Funding of Jails and Community Corrections section of the Report. In addition, the CAAC recommends that the Community Corrections Act be revised to place a greater focus on such efforts as: establishing evidence-based programs, providing technical assistance to counties from the state for such programs, and improving state oversight of programs.

A summary matrix of recommendations was developed and ranked according to estimated implementation resources, whether legislation is required, the extent to which the recommendations address the goals of the CAAC, and whether specific objectives were contingent upon the completion of another objective.

- *Recommendation B-1. Develop a plan to implement the recommendations of the CAAC report..*

SPECIAL POPULATIONS

From 2009-2011, male and female inmates were classified as follows:

Figure III-2: Male and Female Inmates Classified (2009 – 2011) – Number of Bed Days

GENDER	Special Needs		Minimum/ Community		Minimum/ Medium		Maximum		Total
Males	59,736	4%	293,848	22%	903,661	68%	76,800	6%	1,334,047
Females	3,695	2%	3,769	2%	131,606	70%	49,306	26%	188,376
Total	63,431	4%	297,617	20%	1,035,267	68%	126,106	8%	1,522,423

It should be noted that a significant number of women are classified as maximum risk (26%) and very few (only 2%) are classified as minimum community risk. It is possible that this situation is caused by the design of the smaller jails, in which small “flex” units are provided to serve a variety of inmate groups, including women, protective custody, administrative segregation and disciplinary segregation. Because these flex units are sometimes used for disciplinary segregation, they are designed a high security and are designated such in the plans. In any event, this is a very significant issue that merits further study.

While we were unable to ascertain the exact number, it was reported that a significant number of probation and parole violators are held in local jails.

Mental Health and Substance Abuse (Study conducted in 2009) summary of findings:

- 1 in 3 (34.8%) jail inmates had a mental health diagnosis while 13.5% were diagnosed with a Serious Mental Illness (SMI).
- Female inmates were twice as likely to receive a mental health diagnosis or a diagnosis of Serious Mental Illness.
- Inmates with SMI were 2 times more likely than those without SMI to have a documented substance abuse diagnosis, a documented history of substance abuse problems, and to be screened positive for substance abuse.
- Inmates with SMI were significantly more likely to have multiple medical conditions, and to have multiple prescriptions for medical and mental health conditions.
- Over one-half (59.7%) of inmates were incarcerated awaiting trial or on probation hold.

RECOMMENDATIONS

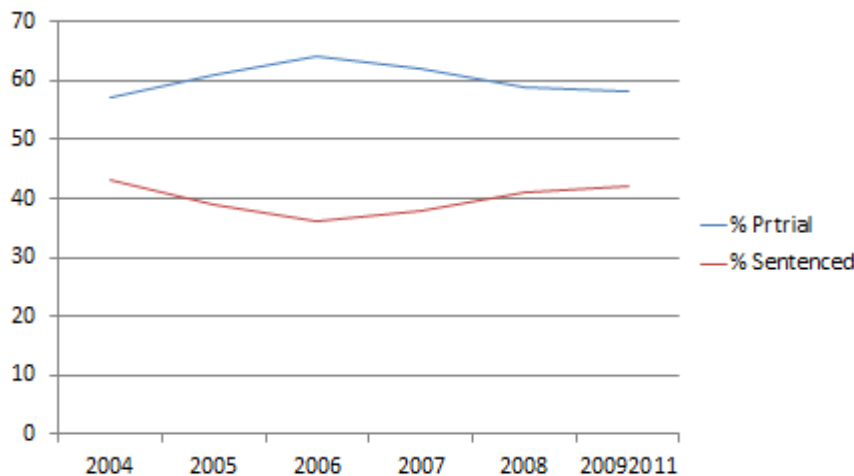
- *Recommendation B-2. Undertake a review of women in jails.* Typically, women are lower risk and can be safely supervised in the community. It is not known based on this data whether women classified as maximum are probation/parole holds, in pretrial status or sentenced; however, the large number of women classified as maximum is an alarming and is inconsistent with national data on female offenders. The review of women in jail should consider whether the LSI-R or other assessment tools are over-classifying women. This has basis in research (see Van Voorhis, et. al., 2009). Consider alternative housing options for women. Consider gender responsive programming for women, especially alternatives to incarceration. Utilize resources available from NIC (www.nicic.org/womenoffenders) and the National Resource Center on Justice Involved Women (www.cjinvolvedwomen.org).

- *Recommendation B-3. Establish graduated sanctions for probation and parole violators.* Work with DOC to establish graduated sanctions for probation and parole violators. Establish parameters for use of jail to detain probation and parole violators.
- *Recommendation B-4. Expand programs for special populations, including seriously mentally ill and substance abusers.* The K—CARA program boasts an impressive success rate with a mental health population. Given the large number of jail inmates with mental illness and substance abuse problems, consider expanding the program and/or developing additional options to address this population.

PRETRIAL

In a Muskie Justice Policy Center report dated February 2008, the increase in jail population from 2004-2008 was attributed to an increase in the pretrial population and probation violators. During this time period (2004-2008) the pretrial population increased by 21% and to 60% of the daily jail population in 2008. Pretrial as a percentage of the total jail population peaked in 2006, but is almost the same percentage of population as in 2004 (in 2011, 58% versus 57% in 2004).

Figure III-3: Percentage of Pretrial and Sentenced Jail Population Statewide 2004 - 2011



It should be noted that *87% of those identified as pretrial from 2009-2011 were charged with misdemeanor offenses, not felonies.* This suggests that a total of 297,617 jail bed-days were accrued by inmates classified as minimum security or community minimum security from 2009 to 2011.

Assuming that up to 58% of the minimum security inmates are pretrial, these detainees accounted for 172,617 jail days. Viewed another way, on an average day there were 158 low risk, low level pretrial defendants sat in jail,-- nearly 10% of the total jail population. At a net savings of \$21 per day, from 2009-2011, Maine jails would have realized an additional \$3,624,957 savings in cost avoidance for this population. Even if only half of these individuals were supervised by pretrial services, there would still be a significant cost savings.

On April 19, 2012, 591 individuals were being supervised by Maine Pretrial Services and Volunteers of America. Only 40 individuals were being supervised via Title 30-A, Community Confinement Monitoring (CCM).

Maine Pretrial Services reports the following accomplishments in 2011:

- Success rate of 81%. Success is defined as the number of defendants who are not revoked for technical violations, appear for all scheduled court appearances and remain arrest free during pretrial supervision.
- 1,369 of 1,454 (or 94%) defendants supervised did not commit new criminal conduct.
- 1,016 out of 1,038 defendants appeared as directed for court while under program supervision—an appearance rate of 98%.
- 194 individuals were on deferred dispositions.

Figure III-4: Maine Pretrial Population: Daily Snapshot, April 19, 2012

COUNTY	PRETRIAL	DD	CCM	OTHER	TOTAL
Aroostook	41	18	0	0	59
Androscoggin	70	15	2	0	87
Cumberland	68	12	1	0	81
Franklin	22	6	0	1 OC	29
Kennebec	32	2	17 KERRP		51
Knox	30	31	4	0	65
Lincoln	11	0	1	0	12
Oxford	28	3	0	0	31
Penobscot	15	0	7	0	22
Sagadahoc	20	0	0	0	20
Somerset	5	0	2	3 GS; 5 PC	15
Waldo	22	0	6	0	28
York	60	24	0	7 AR	91
Pretrial SVS	356	111	26	16	509
Total	424	111	40	16	591

(Red): Volunteers of American

(Black): Maine Pretrial Services

Key:

DD: Deferred Disposition (referred by DA's offices-post conviction, pre-sentence)

GS: Graduated Sanction (referred by probation-for probation violation)

CCM: Community Confinement Monitoring (Title 30-A)

PC: Post-Conviction bail from the court (pre-sentence)

AR-Administrative Release (from the court)

PD-Pending

Figure III-5: Pretrial and Post Conviction Impact, 2009 – 2011

	PRETRIAL BED DAYS SAVED	POST CONVICTION BED DAYS SAVED	TOTAL PRETRIAL BED DAYS SAVED*	TOTAL PRETRIAL SUPERVISED	TOTAL POST CONVICTION SUPERVISED	TOTAL SUPERVISED
2011	152,530	54,580	207,110	1,701	551	2,252
2010	152,121	46,287	198,408	1,830	546	2,376
2009	134,784	37,347	172,131	1,636	477	2,113

*This does not include an additional 2,368 bed days saved due to supervised alternative sentencing defendants over three years, 2009-2011.

The Maine Pretrial Risk Assessment Instrument

In 2007, Maine Pretrial Services adopted the Virginia Pretrial Risk Assessment Instrument and renamed it the MPRAI- the Maine Pretrial Risk Assessment Instrument. It is not yet validated for Maine, but is an objective assessment tool that assists in identifying a defendant’s level of risk of failure (to appear in court or a new arrest). Another risk assessment tool, the M-Risk was recently created and validated by the Muskie School in cooperation with Volunteers of America.

PRETRIAL RECOMMENDATIONS (from 2009 BOC Pretrial Focus Group)

- *Recommendation B-5. Increase the statewide capacity of pretrial services.* Clearly, pretrial services can have a significant effect on the Maine jail population. Pretrial services are underutilized statewide. While there would be costs for expanding pretrial services, there would be significant jail bed day savings over time without sacrificing safety or court appearance. This program essentially pays for itself and is an essential program for managing jail populations.
- *Recommendation B-6. Expand the use of Title 30-A Community Confinement Monitoring (CCM).* In 2009, important changes were made to the Title 30-A statute, which redefined home release monitoring as a program that assesses and targets lower risk offenders for early supervised release. The BOC adopted the Level of Services Inventory – Revised (LSI-R) as the official risk/needs instrument to be used for CCM. The BOC also adopted the risk categories currently in use by the Maine Department of Corrections (MDOC) for the LSI-R. In 2012, there were only 40 persons on CCM statewide on an average day. The BOC should promote expanded use of this program, especially in light of the large number of jail offenders who are classified as lower risk in Maine jails.
- *Recommendation B-7. Expand alternative sentencing programs (ASP.)* To date, beyond a lot of discussion, alternative sentencing programs have not been expanded. Some of the needs have been identified, such as the need for space where programs could be operated, the need for more frequent and consistent offering of ASP’s, and the need to promote, coordinate, and advertise these programs when they are offered.
- *Recommendation B-8. Adopt a pretrial risk assessment instrument.* Whether the M-RISK or MPRAI, or both, are adopted by BOC, continue to utilize a validated pretrial risk tool to assess pretrial defendants’ risk of appearance and crime.

C. Jail Operations and Conditions

JAIL CAPACITY AND OCCUPANCY

A review of jail operations and conditions must start with an examination of the number of inmates housed in jails in recent years and comparison to the capacity of the system. Figure III-6 describes the average daily population (ADP) in jails and MDOC facilities from 1993 to 2011. During this 19-year period the jail population more than doubled, while the MDOC population increased by a total of 37%. By 2011, jail inmates comprised 45.1% of the total inmate population in Maine, up from 33.2% in 1993.

Figure III-6: Average Daily Population, Jails and MDOC. 1993 - 2011

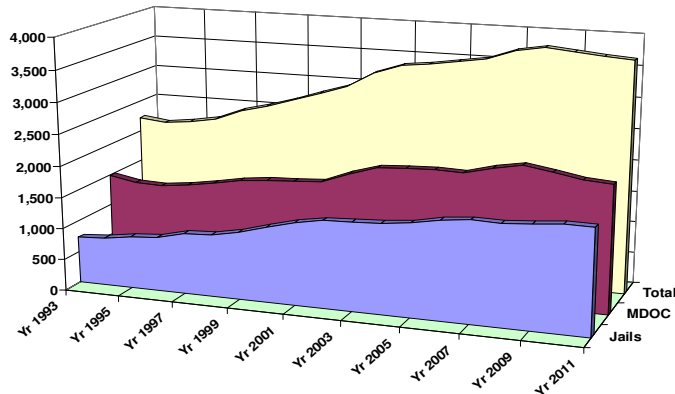
Year	Jails	MDOC	Total	Percent Jail
Yr 1993	738	1,484	2,222	33.2%
Yr 1994	769	1,406	2,175	35.4%
Yr 1995	833	1,389	2,222	37.5%
Yr 1996	859	1,439	2,298	37.4%
Yr 1997	964	1,509	2,473	39.0%
Yr 1998	987	1,591	2,578	38.3%
Yr 1999	1,076	1,633	2,709	39.7%
Yr 2000	1,196	1,656	2,852	41.9%
Yr 2001	1,309	1,681	2,990	43.8%
Yr 2002	1,388	1,852	3,240	42.8%
Yr 2003	1,407	1,981	3,388	41.5%
Yr 2004	1,429	2,008	3,437	41.6%
Yr 2005	1,473	2,030	3,503	42.0%
Yr 2006	1,561	2,016	3,577	43.6%
Yr 2007	1,607	2,127	3,734	43.0%
Yr 2008	1,598	2,210	3,808	42.0%
Yr 2009	1,632	2,133	3,765	43.3%
Yr 2010	1,665	2,056	3,721	44.7%
Yr 2011	1,667	2,027	3,694	45.1%

The growth in the jail population is consistent with the experience of jails in many other states for the same years. Much of the increase was driven by a variety of new laws that prescribed mandatory sentences. One recent change in a state law increased the credit offenders are given toward their fines, from \$10 to \$100, for each day spent in jail. The marked increase in offenders choosing to spend time in jail rather than pay fines is an unintended consequence of this change.

During this period, state corrections policies changed, moving more inmates from state facilities to local jails consistent with the intent of the Community Corrections Act. This decreased the DOC inmate population by moving offenders to county jails to serve their time.

Figure III-7 illustrates the dynamics of the inmate population since 1993.

Figure III-7: Average Daily Population, Jails and MDOC. 1993 – 2011



The capacity of county facilities seems to be defined in several ways. In many instances we found two or more “rated capacities” for a county jail. The Board establishes a “budgeted capacity” for each facility for each fiscal year, representing the average daily inmate population that is expected to be housed. Figure III-8 compares actual ADP for FY10 and FY11 to the 2012 budgeted capacity.

Figure III-8: Jail Occupancy, Rated and Budgeted Capacities

	FY10 ADP	FY11 ADP	2012 Budgeted	2011 ADP Percent of 2012 Budgeted
Androscoggin	131	136	163	83.4%
Aroostook	66	70	72	[97.2%]
Cumberland	390	433	489	[88.5%]
Franklin	3	4	6	66.7%
Hancock	52	41	58	70.7%
Kennebec	170	155	150	[103.3%]
Knox	70	68	81	[84.0%]
Oxford	9	10	12	83.3%
Penobscot	172	153	150	[102.0%]
Piscataquis	23	25	26	[96.2%]
Somerset	160	161	192	83.9%
TBRJ	148	146	171	[85.4%]
Waldo	3	2	4	50.0%
WCRC	15	20	32	62.5%
Washington	39	43	42	[102.4%]
York	214	200	200	[100.0%]
TOTALS	1,665	1,667	1,848	[90.2%]

[85% or more occupancy]

When the total jail occupancy for FY11 is compared to the FY12 budgeted capacity, an occupancy rate of 90.2% is generated. It is important to examine the difference between nominal capacity (actual number of beds) and functional capacity (average inmate occupancy that allows for peaking, classification and separation). The difference between nominal and functional capacities will vary from jail to jail, but a working figure of 85% provides a benchmark that is useful here.

The total ADP in 2011 represented 90.2% of the 2012 budgeted capacities—higher than is desirable in operational terms. Nine of the 13 full service jails operated at more than 85% of their budgeted capacity.

Crowding creates many problems and poses safety and security risks. An incident of inmate-on-staff assault occurred in late May 2012 in Two Bridges Regional Jail, suggesting the consequences of going above the functional capacity. In an email to other jails, TBRJ administrator Mark Westrum described the situation:

The past 48 hours has seen a significant rise in Inmate behavioral problems. Our Special Management Unit has been full and we have no administrative segregation in which to manage those inmates who are resistant and not following the rules. The inmates have figured out that if they act up, they will not be removed from the pod because we have no place to house them. Today, one of my Officers was attacked from behind by an inmate and punched repeatedly. As the situation unfolded 4 of my Officers were assaulted.

The Board appears to be using the nominal (rated) capacity of each jail to identify potential crowding. It would be more accurate to use the budgeted capacity. Operating county facilities at or near their nominal capacities poses unacceptable risks to staff, inmates and the community.

JAIL CAPACITY AND OCCUPANCY RECOMMENDATIONS

- *Recommendation C-1. The Board should secure an independent assessment of the rated capacity of each jail and lockup, using state jail standards and the new national Core Jail Standards as benchmarks. In addition to the rated (nominal) capacity, a functional capacity should be established for each facility. Recommended revisions should be submitted to the Board.*
- *Recommendation C-2. The Board should adopt a policy and implement practices that evaluate jail crowding using the functional capacity of each facility.*

Figure III-9 examines the jail population for the first month of each quarter, starting in January 2011.

Figure III-9: Jail Occupancy, First Month of Quarter (from BARS)

	Board In	In House	Board Out	Housed Other Locations	Total In-House Plus Board Out	NET Board In Minus Board Out
Jan 2011	349	1,669	189	38	1,896	160
April 2011	382	1,711	221	38	1,970	160
July 2011	349	1,669	189	38	1,896	160
Sept 2011	379	1,563	221	39	1,822	158
Jan 2012	394	1,734	241	42	2,016	153
April 2012	402	1,709	232	61	2,001	171

Figure III-9 identifies the net number of non-county boarders housed during the past six quarters, ranging from 153 to 171. Less than half of these boarders were state inmates; the rest were held for

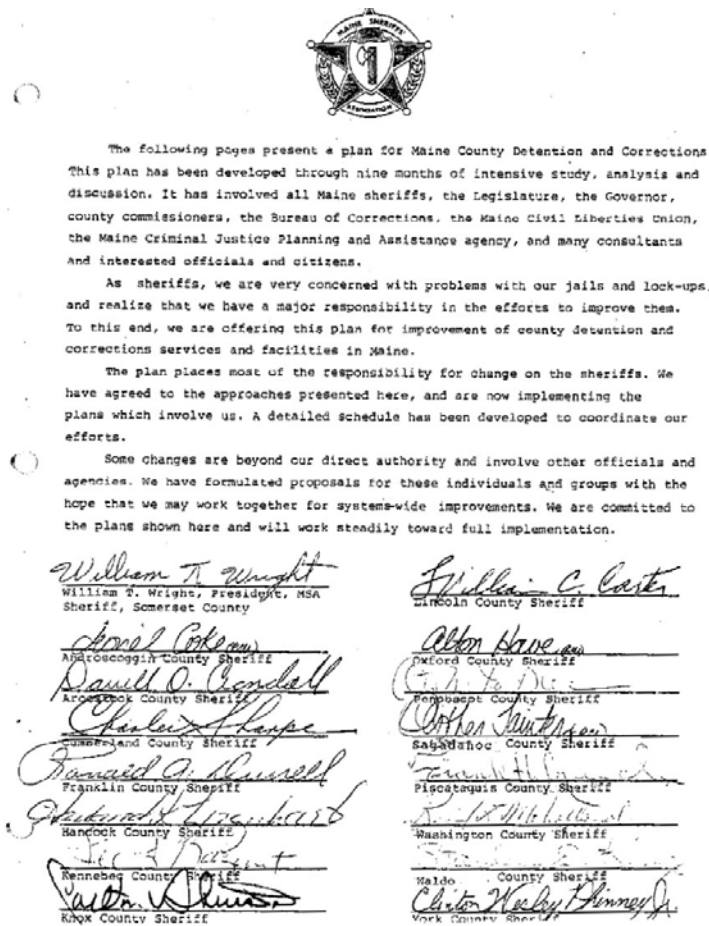
federal agencies. In many instances, housing non-county boarders pushed jail occupancy beyond functional capacities. Appendix E provides county-by-county findings for the same period.

- *Recommendation C-3. The Board should implement a policy that prohibits housing non-county inmates in jails when the functional capacity of that jail has been exceeded.*

JAIL INSPECTION

A 1978 statewide jail study conducted for the Maine Sheriffs Association (MSA) revealed substandard conditions in most Maine jails. At that time, the average age of a jail bed in Maine was 80 years. Facilities that were 152 years old were still in service. Figure III-10 illustrates the MSA response to the study--- a commitment by all 16 sheriffs to improve jail facilities and operations. Each sheriff signed the document, beginning a 20-year process of working county by county, as regions, and statewide to improve all aspects of county jails.

Figure III-10: Signatures of 16 Sheriffs Committing to 1978 Jail Improvement Initiative



At that time, Maine had minimum jail standards and an inspection program. The standards were updated in the 1980s along with revisions to the statute that authorized sanctions for noncompliance. Without the standards, inspection and enforcement process, improvements in Maine jails would have been much slower and many would have never been completed. Today, the overall conditions and operations of Maine jails remain higher than average when compared to jails in other states.

The standards, inspection and enforcement efforts of the Department of Corrections have never been more valuable than now. With a retreat from the “One System” elements of the original BOC statutes, the role of the Department will revert to its longstanding standards and inspection process. It is imperative that the DOC continue to maintain up-to-date standards, ascertain compliance through inspections, and compel compliance when necessary.

JAIL STAFFING

Staffing costs comprise more than 60% of annual jail budgets. More important, adequate staffing is essential for the safe operation of Maine jails. The current statute requires the Board to “...review staffing levels at each county jail to ensure that safe conditions exist for staff, inmates and others.” This has not occurred since the Board was created.

Staffing plans are required under Maine Jail Standards. The DOC approves staffing plans for each facility as part of the biannual inspection process. We asked for copies of all jail staffing plans and learned that the BOC does not have them. Similarly, the BOC does not have copies of the latest jail inspection reports for each facility. These critical documents have not been part of the budgeting process since the Board was created.

- *Recommendation C-4: The Board should secure and review the latest staffing plan and inspection report as part of the budgeting process for each jail.*

Staffing plans describe the coverage practices that are supposed to be implemented through relieved posts and positions. In our experience, few jails consistently implement their staffing plans. Sometimes variation is caused by inaccurate budget calculations that fail to anticipate the “relief factor” that will occur. Our review of several staffing plans identified several concerns regarding the math associated with delivering coverage.

More frequently, implementation is eroded by insufficient funding. During our site visits, local officials voiced many concerns about the adequacy of staffing due to what they perceived to be insufficient funding from the Board. We heard reports of frequent vacancies “on the floor” (posts required in the staffing plan that were not consistently filled). At this point there is no mechanism to monitor actual deployment in the jails to verify consistent implementation of staffing plans.

- *Recommendation C-5: The Board should secure an independent review of jail staffing plans.*
- *Recommendation C-6: The Board should establish a mechanism for monitoring actual staff deployment in jails and use that information to determine if DOC-approved staffing plans are consistently implemented.*

JAIL FACILITIES

Maine jail facilities have not fared well under the Board of Correction structure. Routine maintenance has suffered and essential preventive maintenance has not been implemented due to lack of funding. Funds for repairs are limited and counties must compete with each other to secure even modest allocations. One Oxford County official suggested that the current system produces “savings by neglect,” and reminded us that even if county commissioners wanted to fund jail repairs, they are prohibited from using property tax revenues for any jail purpose. The same official noted that the Oxford County Jail facility belongs to the county, but its maintenance and repairs are in the hands of the BOC. Many officials expressed similar frustrations during our site visits and meetings.

In the past 30 years, Maine counties have taken responsibility for replacing jail facilities. In most instances, county voters had to approve major jail construction projects through referendums. But local control of jail facilities has been taken from the counties and is now invested in the Board of Corrections, preventing county officials from allocating funds that they determine are necessary. Counties must live with, and at times suffer from, the consequences of funding decisions that are now made at the state level.

PROGRAMS AND SERVICES

While a few new programs have been developed since the Board was created, their continuation is uncertain given the budget constraints imposed on the Board and passed on to the counties. The innovative Kennebec County K-CARA⁶ program was funded by a federal grant in 2010 and has been recognized as an innovative and effective jail-based program that addresses substance abuse and criminal behavior. The Waldo County Jail has been refitted as a residential facility that houses the Maine Coastal Regional Reentry Center (MCRRC).⁷ This program has forged partnerships with the community, including the Restorative Justice Project of the Midcoast and the Volunteers of America.

⁶ Kennebec’s Criminogenic Addiction & Recovery Academy (CARA). Created in 2010, this innovative intensive jail-based program addresses substance abuse and criminal thinking. “The program is delivered over a five-week period, with daily structured and facilitated group and individual activities. The core program is comprised of treatment to address co-occurring disorders (following the DSAT curriculum) and criminal thinking (using the *Pathways* curriculum); work readiness, parenting skills and ethical decision-making. Self-help meetings (AA) and community service activities are also provided to increase the inmates’ exposure to and involvement in pro-social activities. Programming is gender specific, addressing the different pathways men and women take to substance abuse and criminal behavior. A therapeutic community model is used to maximize the impact of the intensive programming. Specially trained Correctional Officers are responsible for facilitating “community meetings” three times daily, in addition to observing and monitoring inmates’ participation in treatment activities throughout the day and evening program hours. A critical component to making a successful return to the community is adequate transition planning while incarcerated.” <http://kennebecso.com/cara>

⁷ Maine Coastal Regional Reentry Center (MCRRC). “The Reentry Center serves the Correctional Region known as the Coastal Region consisting of Washington, Hancock, Waldo, Knox, Lincoln and Sagadahoc Counties. The purpose of MCRRC is to successfully integrate State and County inmates back into the communities in which they’re returning. These inmates would be near the completion of their sentence and would receive intensive treatment designed to reduce recidivism rates....Participants have been assessed as moderate to high risk for recidivating. The overarching goal of MCRRC is to provide maximum support for an inmate’s successful reentry back into their home community...offering group and individual mentoring while incarcerated at the facility, as well as Community Resolution Conferencing and/or Healing Circles to help facilitate the inmates’ healthy and productive return to their families and communities. Upon release to their home community, the Restorative Justice Project of the Midcoast provides continued mentoring for select individuals in their home communities for a period of at least,

While K-CARA and MCRRC are effective new programs, they are the exception. The overall quality and quantity of inmate programs and services in Maine jails has not improved since 2008. Many officials assert that there have been significant program losses under the new BOC structure.

DISLOCATION OF INMATES FORMERLY HOUSED IN FRANKLIN, OXFORD AND WALDO COUNTIES

Several officials reported concerns about the consistency of programs, services and case management for inmates who have been transferred to other county jails. Downgrading jail operations to short-term lockups in Franklin, Oxford and Waldo Counties resulted in the permanent dislocation of all inmates who are confined for more than 72 hours. Figure III-11 presents the 2007 average daily jail population for Franklin, Oxford and Waldo counties.

Figure III-11: Average Daily Jail Population Franklin, Oxford, Waldo Counties, 2007

	Male	Female
Franklin	27.8	2.2
Oxford	33.3	4.3
Waldo	50.7	7.5
Total	111.7	14.0

The inmates who were formally housed locally in these three counties are now transferred, within 72 hours, to other counties for the duration of their confinement. Many of these inmates are pretrial detainees who have ongoing court proceedings. In its first year, to save money, the BOC decided that these inmates (7% of all Maine jail inmates) would no longer have the opportunity to be housed in their county of arrest. At the same time, taxpayers in those three counties did not realize savings, paying the same amount from property taxes as they were paying before their jails were closed. They pay as much as before, but receive much less. In effect, taxpayers in Franklin, Oxford and Waldo⁸ counties are donating a large portion of their annual property tax revenue to underwrite the costs of other counties, at the same time providing less for their inmates.

DISLOCATION STATEWIDE

Inmates are dislocated from their home counties for several reasons:

- Jail closed by BOC, requiring all inmates to be boarded out
- Lack of adequate bedspace in the county of arrest

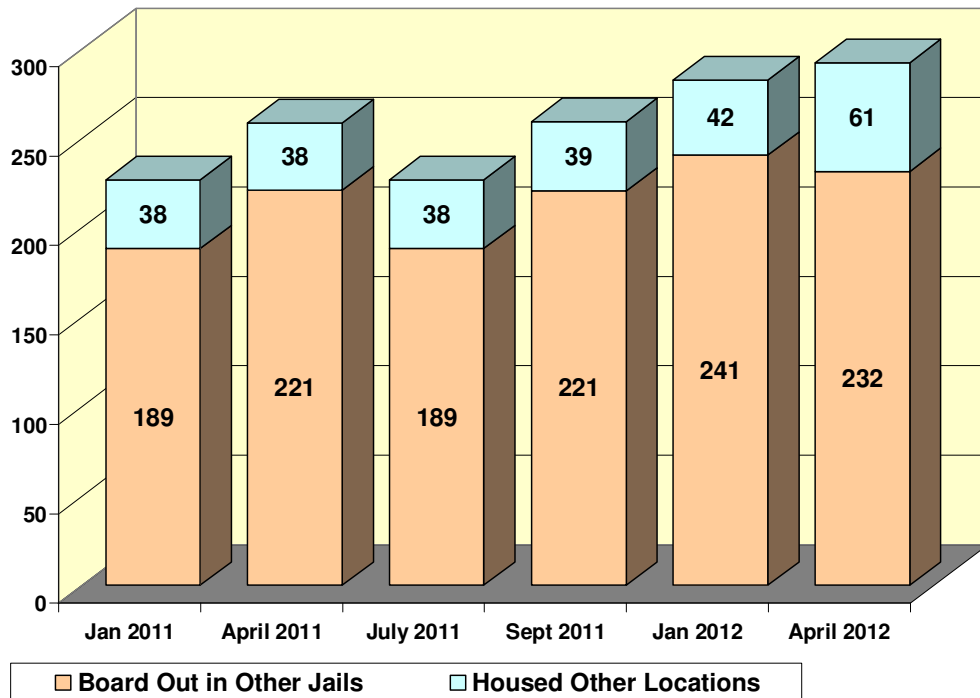
six months. A critical goal is to help inmates accept responsibility for their actions and to break the patterns that led them into the circumstances of their crime. Serving as mentors, volunteers assist participants with such issues as housing, employment, healthcare and family relationships.” <http://www.waldocountyme.gov/corr/index.html>
<http://www.rjpmidcoast.org/cms/maine-coastal-regional-reentry-center>

⁸ Waldo County officials might argue that they are not in the same situation as Franklin and Oxford Counties because of MCRRC. While the reentry program keeps most of the former jail expenditures in the county, the program primarily serves state inmates. Waldo County property tax dollars that used to pay for a local jail that housed local inmates are now being used in large part to pay for programs delivered to DOC offenders while local jail inmates are housed at least 50 miles away.

- Provision of special programs and services, not in jail (mental health facility, evaluation)
- Provision of jail-based programs and services (such as the K-CARA program or the Veterans Unit in Kennebec County)

The number of inmates who are not housed in their county of arrest is increasing, as suggested by Figure III-12.

Figure III-12: Number of Inmates Boarded Out of County of Arrest, in Jails and Other



In April 2012, nearly 300 inmates were housed in locations other than their county of arrest—14.6% of all county inmates at that time. The number of board-outs and the proportion of board-outs has increased in the past 18 months.

As inmates are increasingly dislocated from their county of origin, it is more difficult to ensure equitable provision of programs and services. One official cited the 25-day delay in the release of an Oxford County inmate who had to be housed in another county as a consequence of the Board’s decision to close the local jail. Special attention should be given to the circumstances of female inmates, who are boarded out at higher rates than male inmates.

- *Recommendation C-7: The Board should monitor the quantity, quality and consistency of programs and services that are provided to county inmates. Special attention should be given to inmates who are boarded out to ensure that their conditions of confinement and level of care are comparable to other inmates.*
- *Recommendation C-8: The Board should explore regional contracts for the delivery of programs and services to inmates as a means of ensuring consistency, and as a possible savings measure.*

STATEWIDE JAIL “SYSTEM”

Prior to the creation of the Board, each county decided whether it would operate a jail and controlled the quantity and condition of jail beds. County control of quantity, conditions and even whether there would be a local jail, ended in 2008. The Board acted quickly and decisively to change the configuration of the jail system by closing three of the 15 county jails. The Board forced the re-tasking of three jails—Franklin, Oxford and Waldo—from full service jails to short-term detention facilities (lockups). This decision was reportedly driven by the concerns that the “cost per bed per day” for these small jails were too high compared to larger facilities.

As suggested earlier in this report, inmates from these three counties have not fared well, and county taxpayers in these three counties have not realized savings although the actual costs for their inmates have declined significantly.

We are concerned that actions taken in the name of efficiency or cost reduction have not been carefully weighed in terms of the effect on quality, consistency, effectiveness and equity.

Figure III-12, presented earlier in this report, shows an increase in the number of county inmates who are boarded out in recent years. In April 2012, nearly one of every six inmates was housed boarded out. These inmates are dislocated from their home communities.

Many of these inmates are pretrial detainees and their boarding creates difficulties for the criminal justice system. Boarding out makes it more difficult for defense attorneys to confer with their clients and to secure appointed attorneys in a timely manner. Boarding out inhibits inmate contact with family and friends, and exposes inmates and the community to the high risks associated with transporting inmates between counties. For the counties who have no jail, low security inmates do not have access to the full range of sentencing options because of their displacement.

- *Recommendation C-9: The Board should establish a mechanism for monitoring the nature and extent of inmate dislocation from the county of their arrest. The distances involved should be examined in addition to the number of inmates who are boarded out. Budget decisions should be informed by the extent and impact of dislocation that will occur.*

We believe that the decision to re-task Franklin, Oxford and Waldo County facilities did not consider hidden costs for the system, issues of equal protection, and the impact on the quality of the criminal justice process in those counties. Such decisions should have been made as part of a carefully-conceived statewide plan that provides for a balanced jail system. Such planning was not undertaken before the Board was created and has not occurred since then. Without such a plan, decisions such as the earlier jail closings, are akin to “spot zoning,” in which decisions are made independently and on an ad hoc basis, rather than being part of a long-term, integrated plan.

- *Recommendation C-10: The Board should explore the feasibility of allowing Franklin, Oxford and Waldo Counties to house their lowest security inmates in their existing facilities. This would reduce the dislocation of inmates from those counties, restore sentencing options to the courts, and help to amortize the current costs associated with operating short-term detention facilities. This approach could be accomplished with minimal additional operating costs. If this policy is adopted, the Board will need to work with the DOC to develop appropriate standards for such “community residential units.”*

The first BOC annual reports asserted that, prior to the creation of the Board, Maine counties were “planning to borrow about \$100 million for the capital construction of 4 new jails/major additions.” The Board took credit for “canceling” these capital projects and for saving taxpayers from having to repay a \$150 million debt. We disagree with these assertions.

It is not realistic to assume that the creation of a statewide Board eliminated the crowding problems in Maine jails, or rectified the conditions in aging jail facilities. At best, the Board may take credit for *delaying* major capital expenditures. Deferring capital projects increases the overall costs when the projects are eventually implemented.

We believe that the BOC structure has reduced incentives for counties to manage the growth of their jail population. At the same time, the Board has overseen a reduction in preventive maintenance and repairs for existing facilities. The Maine jail population has increased since the Board was created, and the condition of Maine jails has declined since the Board took over responsibility for funding jails.

- *Recommendation C-11: The Board should develop a long-term master plan for a balanced and coordinated jail system. Decisions about re-tasking facilities must be made in the context of such a plan. The plan should revisit the decisions to close jails in Franklin, Oxford and Waldo Counties. Capital projects, such as expanding capacity, must be addressed in the plan.*

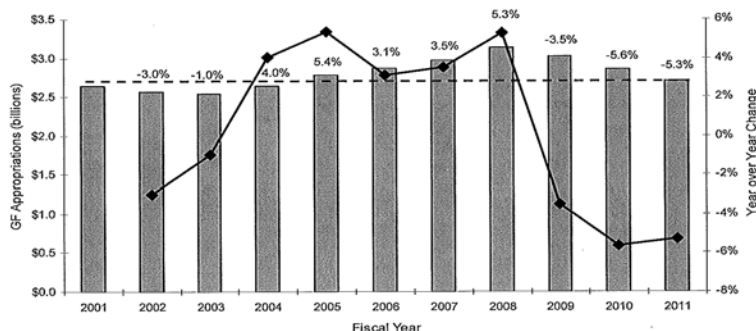
The Board has broad authority to create a county jail/lockup system by developing “parameters for facility population,” determining “individual ...county jail use,” and “downsizing or closing facilities or reassigning services.” This authority has rarely been exercised and the alternatives-- financial incentives and consequences—are not working. As a result, the operational nature of the jail system (number of beds, types of beds, locations) are determined by individual counties, not by the Board. The Board should use its authority to shape facilities and operations in an effort to implement the plan.

D. Financing and Budgets

Issues associated with costs and budgeting have consumed the majority of effort expended by the Board, CWG and stakeholders over the past four years. Finances consume too much time for all parties and distract them from other important issues.

Many county officials believe that funding for jails has not increased in the past four years. In fact, total jail funding has grown by more than 20%. At the same time, county property tax contributions remain frozen at \$62.3 million. The increase in jail funding has come from revenue streams that were previously established, such as Community Corrections Act funding, and from a *modest* general fund appropriation. The general fund appropriations were \$1.5 million and \$3.5 million respectively in the first two years of the Board’s work. Figure III-11 illustrates the state contributions since 2001.

Figure III-13: Change in General Fund Appropriations, 2001–2011



At its highest, the general fund appropriation accounted for less than 5% of total jail funding. And during its first years, the documented DOC savings (\$2.9 million for boarding inmates in jails) exceeding the total general fund appropriations (\$5.8 million in savings vs. \$5.0 million general fund appropriation.)

As a state entity, the Board has been subjected to many budget revisions and reductions since its inception. Unlike the DOC and other state agencies, the Board cannot count on support from the Governor from year to year. The Board has not developed a constituent base capable of influencing the legislative Criminal Justice and Appropriations committees. Without strong, consistent advocacy, the Board cannot expect to make its case for sufficient total funding for the jail system.

Jails are unique among other county government functions. Jail facilities and operations must comply with mandatory state standards as well as federal caselaw. Once a person is taken into custody against his/her will, there is a continuous legal responsibility to protect the inmate from harm. That is why jail budgets in many states increase while other county agencies suffer cuts. Similarly, the budget for the Pennsylvania Department of Corrections increased this year, while other state agencies were subjected to significant cuts. When counties were responsible for making budget decisions for their jails, officials understood their obligations and their liabilities. Now these officials must watch as arbitrary state spending limits are imposed without regard to conditions and risks at the county level.

- *Recommendation D-1. The BOC, county officials and other stakeholders should unite to develop a strong base of support for the work of the Board and to promote consistent full funding for budgets that are advanced by the Board.*

The Board needs to define its budgeting assumptions and process. Statutes require the Board to establish sufficient budgets for county jails and lockups, *and* to include the costs of achieving statutory goals of safety, security and effectiveness. When the budgeting process starts with arbitrary limits on funding as is currently the case with the state budget-- such as the "level funding" currently imposed), it is likely that jail funding will be insufficient. Jail costs are increasing on many fronts—employee costs, fuel and utilities, food and other commodities, medical care, medication and many other elements of the annual jail budget. These costs cannot be wished away, and failing to provide increased funding for them often results in cuts to jail staffing.

- *Recommendation D-2: The Board's annual budgeting process should start with a submission from each county/authority requesting the resources needed to meet all of the requirements and intent of the statute. The BOC should review each budget and amend as it determines appropriate—but not to meet an arbitrary cap. The sum of these budgets should be considered the benchmark for each year and should be sent through the funding process (Criminal Justice Committee, Appropriations Committee) backed by strong and effective advocacy by the BOC and the counties.*
- *Recommendation D-3: The Board should establish a performance budgeting process that identifies process and outcome measures for the counties. This information should be used by the counties when drafting and defending their budgets, and by the Board to evaluating budget requests.*

The proposed process will provide the basis for a "gap analysis" by the Board in the event that requested funds are not initially provided. The process will help to insulate the BOC from potential liability from persons who may allege they were harmed in jail as the result of funding shortfalls (e.g. insufficient staffing to protect inmates). Currently, county officials will assert that the Board is responsible for failing to provide needed funds and may evade liability in some instances.

Recently, the Board commissioned a comprehensive audit of jail finances by independent auditors. Their report was completed in mid-June 2012 and the Board has received briefings on findings and recommendations. We have reviewed this material and believe that auditors are providing good advice.

- *Recommendation D-4. The recommendations of the independent auditors should be considered and adopted wherever appropriate.*

One suggestion from the auditors would create a regional jail authority. We disagree, based on our experience with centralized and regional jail systems in other states. The West Virginia Regional Jail Authority, for example, builds and operates a network of regional jails. Cities and counties are able to send inmates to the regional jails and they are charged a per-day cost when they do. Many cities and counties continue to operate local jails and lockups in addition to using the regional jail authority. This model is not applicable to the situation in Maine for many reasons.

There are no counterparts to the Board's structure in other states. Several states have merged county and state systems into a single unified system that is operated by the state. These include Vermont, Connecticut, Rhode Island, Alaska, and Hawaii. Massachusetts has an unusual structure in which some county jails are operated by sheriffs while their employees are paid by the state. The difficulties encountered in Maine in the past four years explain why no other state has tried a similar approach. We believe that no one will be looking at Maine as a model.

The CRAS system was developed by DOC staff for the Board. It provides a good starting point for bringing consistency and transparency to the financial activities of the Board. But the value of CRAS, or any such system, is determined by the accuracy of the information that is entered by each user. Recent events suggest that the data in CRAS is not as reliable as it should be.

- *Recommendation D-5. The Board should develop better instructions and protocols to guide county financial activities and reporting. Many of the recommendations issued by the independent auditor will be helpful to that end.*

It is possible that no amount of effort will be able to bring the counties into a system of practices that will comply with the Board's instructions or create a financial reporting system that is accurate and consistent.

- *Recommendation D-6. The Board should evaluate the financial dimensions of its work in three years, after every effort has been made to develop and implement a system that leaves responsibility for disbursing funds at the county level. If sufficient progress has not been made, the Board should look at centralizing all financial activities under its statewide authority.*

Earlier this year the Board decided to abandon attempts to integrate state and county corrections. Now that the Board is focusing only on county facilities and operations, the costs of the re-entry program in Waldo County should be examined. Most of Waldo County's clients are state inmates who are transitioning back into the community. The DOC should provide funding for these inmates out of its operating budget. When state inmates are served by the Waldo County program, it amounts to property tax subsidy of DOC operations.

- *Recommendation D-7. The Board should encourage the DOC to assume responsibility for funding the Waldo County costs that are incurred on behalf of DOC inmates.*

Finally, the issue of BOC staffing should be addressed. Now that the DOC has effectively withdrawn from the scope of BOC authority, a statewide jail system is being operated by the Board. The BOC currently has one employee, an Executive Director. Up to this time, the DOC has provided many services to the Board, but it is no longer appropriate for the Board to ask for such assistance, nor to expect the DOC to provide it.

- *Recommendation D-8. The Board should allocate funds to hire employees to assist with all facets of its work. Priority should be given to fiscal positions.*

IV. IMPLEMENTATION STRATEGIES AND RESOURCES

A. Strategies

We have organized all of the recommendations into groups according to the entity that we suggest be responsible for implementation. These include:

- Board of Corrections (BOC)
- Corrections Working Group (CWG)
- A Standing Budget Committee (BUDGET)
- Ad Hoc Committees given specific assignments (AD HOC)
- A new Quality Assurance Committee (QA)

The Board of Corrections needs to rise about the daily issues with budgets, bed availability and other operational details. By the time the Board wrestles with these never-ending tasks there is no time left for setting policy and charting a long-term course of action.

We suggest the Board implement the “Board” recommendations, shown below, as a first step. These will position the board to oversee the implementation of the rest of the recommendations.

BOARD OF CORRECTIONS ASSIGNMENTS

REGROUP AND REFOCUS
<i>A-8. Consider conducting an annual BOC retreat.</i>
<i>A-9. Consider working with an outside facilitator at a BOC retreat or special meeting.</i>
IMPROVE SKILLS
<i>A-4. Hone skills as individual team members and as a team.</i>
LEAD
<i>A-11. Exercise its leadership</i>
RESTRUCTURE
<i>A-14. The BOC should secure legal opinions that clarify the nature and extent of its authority.</i>
<i>A-15. The Board should seek legislation that will clearly redefine the scope of the Board’s purpose and authority, reconciling all language in the current statute.</i>
<i>A-2. Re-affirm the roles, responsibilities and reporting process of the BOC and CWG.</i>
<i>A-1. Streamline the BOC’s organizational structure to more clearly delineate the BOC, CWG and Committees.</i>
<i>A-3. Implement new committee structure.</i>
<i>A-5. Develop specific operating norms for the BOC and CWG to work together.</i>
<i>A-6. Review meeting schedule, frequency, length of meetings; reschedule as appropriate.</i>
<i>A-7. Establish a “standard” agenda format that allows for the discussion of issues critical to the BOC.</i>
<i>A-16. Membership: The Board should evaluate its membership annually and determine if changes should be made in its composition and/or in the composition of its committees.</i>

D-8. The Board should allocate funds to hire employees to assist with all facets of it work. Priority should be given to fiscal positions.

The next priority for the Board should be the creation of an ad hoc committee to implement the following recommendations. Membership on this ad hoc group offers opportunities to broaden participation in BOC activities to key stakeholders.

AD HOC COMMITTEE - Strengthen Base of Support, Develop Strategic Plan

REACH OUT
<i>A-10. Work deliberately to strengthen collaboration.</i>
<i>D-1. The BOC, county officials and other stakeholders should unite to develop a strong base of support for the work of the Board and to promote consistent full funding for budgets that are advanced by the Board.</i>
<i>A-12. Establish five year strategic plan and establish annual priorities.</i>

Given the amount of time dedicated to budget and finance issues in the past four years, we suggest the Board create a standing Budget Committee that will be responsible for implementing the following recommendations.

BUDGET COMMITTEE

BUDGET AND FINANCES
<i>D-2: The Board’s annual budgeting process should start with a submission from each county/authority requesting the resources needed to meet <u>all</u> of the requirements and intent of the statute. The BOC should review each budget and amend as it determines appropriate—but not to meet an arbitrary cap. The sum of these budgets should be considered the benchmark for each year and should be sent through the funding process (Criminal Justice Committee, Appropriations Committee) backed by strong and effective advocacy by the BOC and the counties.</i>
<i>D-3: The Board should establish a performance budgeting process that identifies process and outcome measures for the counties. This information should be used by the counties when drafting and defending their budgets, and by the Board to evaluating budget requests.</i>
<i>D-4. The recommendations of the independent auditors should be considered and adopted wherever appropriate.</i>
<i>D-5. The Board should develop better instructions and protocols to guide county financial activities and reporting. Many of the recommendations issued by the independent auditor will be helpful to that end.</i>
<i>D-6. The Board should evaluate the financial dimensions of its work in three years, after every effort has been made to develop and implement a system that leaves responsibility for disbursing funds at the county level. If sufficient progress has not been made, the Board should look at centralizing all financial activities under its statewide authority.</i>
<i>D-7. The Board should encourage the DOC to assume responsibility for funding the Waldo County costs that are incurred on behalf of DOC inmates.</i>

Creating this committee, and delegating the front-end responsibilities for budget and finance issues, will free the Board to focus on other, larger issues.

The Correctional Working Group should be tasked with implementing recommendations that address operational issues and needs. The CWG should be assigned the front-end responsibilities for operations, freeing the board to focus on broader issues.

CORRECTIONAL WORKING GROUP-- OPERATIONS

OPERATIONS-- IMPROVE CURRENT
<i>B-4. Expand programs for special populations, including seriously mentally ill and substance abusers.</i>
<i>C-3. The Board should implement a policy that prohibits housing non-county inmates in jails when the functional capacity of that jail has been exceeded.</i>
<i>C-7: The Board should monitor the quantity, quality and consistency of programs and services that are provided to county inmates. Special attention should be given to inmates who are boarded out to ensure that their conditions of confinement and level of care are comparable to other inmates.</i>
<i>C-4. The Board should secure and review the latest staffing plan and inspection report as part of the budgeting process for each jail.</i>
<i>C-5: The Board should secure an independent review of jail staffing plans.</i>
<i>C-6: The Board should establish a mechanism for monitoring actual staff deployment in jails and use that information to determine if DOC-approved staffing plans are consistently implemented</i>
<i>C-8: The Board should explore regional contracts for the delivery of programs and services to inmates as a means of ensuring consistency, and as a possible savings measure.</i>

Two more ad hoc committees should be created, assigned with the recommendations described below.

TWO AD HOC COMMITTEES

CRIMINAL JUSTICE SYSTEM – THE BIG PICTURE
<i>B-1. Develop a plan to implement the recommendations of the CAAC report..</i>
<i>B-2. Undertake a review of women in jails.</i>
<i>B-3. Establish graduated sanctions for probation and parole violators.</i>
<i>B-6. Expand the use of Title 30-A Community Confinement Monitoring (CCM).</i>
<i>B-5. Increase the statewide capacity of pretrial services.</i>
<i>B-7. Expand alternative sentencing programs (ASP.)</i>
<i>B-8. Adopt a pretrial risk assessment instrument.</i>

DEVELOP A JAIL SYSTEM MASTER PLAN
<i>C-11: The Board should develop a long-term master plan for a balanced and coordinated jail system. Decisions about re-tasking facilities must be made in the context of such a plan. The plan should revisit the decisions to close jails in Franklin, Oxford and Waldo Counties. Capital projects, such as expanding capacity, must be addressed in the plan.</i>
<i>C-9: The Board should establish a mechanism for monitoring the nature and</i>

<i>extent of inmate dislocation from the county of their arrest. The distances involved should be examined in addition to the number of inmates who are boarded out. Budget decisions should be informed by the extent and impact of dislocation that will occur.</i>
<i>C-10: The Board should explore the feasibility of allowing Franklin, Oxford and Waldo Counties to house their lowest security inmates in their existing facilities. This would reduce the dislocation of inmates from those counties, restore sentencing options to the courts, and help to amortize the current costs associated with operating short-term detention facilities.</i>
<i>C-1. The Board should secure an independent assessment of the rated capacity of each jail and lockup, using state jail standards and the new national Core Jail Standards as benchmarks.</i>
<i>C-2. The Board should adopt a policy and implement practices that evaluate jail crowding using the functional capacity of each facility.</i>

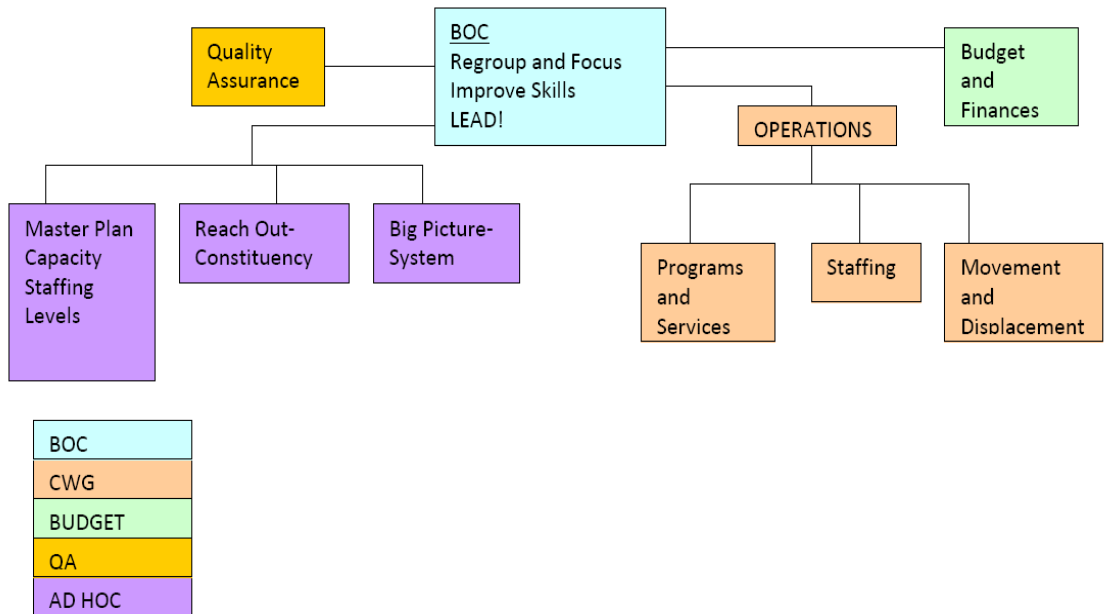
Finally, the Board should create a standing committee to develop and implement a quality assurance system.

QUALITY ASSURANCE STANDING COMMITTEE

DEFINE PERFORMANCE AND MONITOR
<i>A-13. Develop and implement a dashboard and/or performance measurement plan.</i>

Figure IV-1 suggests a way to organize and link the entities that have been described.

Figure IV-1: Potential Organization of Implementation Activities



B. Resources

We have presented a long list of recommendations, hoping that these will cover the full range of issues that eventually need to be addressed. Implementing these recommendations will require a great deal of effort, significant time, and many resources.

The Board has been hesitant to spend money on itself during its first four years. The Department of Corrections has been generous with its staff resources, but it is not realistic to continue to rely on the DOC. If the Board is to move forward on several fronts it needs to expand its in-house staff capabilities. There are already plans to hire a financial analyst, and a private auditing firm has been retained to help the Board in the interim. That is a good start, but it is only a beginning.

The Board should secure needed professional services, using Board funds when necessary. Some services may only be needed temporarily through contracts. Other services will be needed for the long term and these should be provided by employees who are hired by the Board.

It may be possible to secure some of the needed assistance without cost. Just as the National Institute of Corrections (NIC) funded this study, another federal agency, the Bureau of Justice Assistance (BJA) should be asked to provide additional technical assistance in the areas of review of facility capacity and review of staffing plans. BJA might also be able to provide help with the Board retreat and training recommendations.

Some other resources that might be helpful include:

- Higher Education—help with quality assurance plan and other recommendations
- Volunteers, such as Service Corp of Retired Executives (Small Business Administration). Maine has a wealth of retired persons who could be tapped for assistance with many recommendations. Most Maine jails had advisory committees that included members who were retired.
- www.collaborativejustice.org
- [www.nicic.org/women offenders](http://www.nicic.org/women%20offenders)
- www.cjinvolvedwomen.org
- *A Framework for Evidence-based Decision Making in Local Criminal Justice Systems*, CEPP, et.al, April 2010, available at: <http://www.cepp.com/documents/EBDM%20Framework.pdf>
- Vera Institute of Justice, Cost Benefit Analysis Center, <http://www.vera.org/centers/cba>

The National Institute of Corrections has an Information Center that may be able to provide resources in response to specific requests. Contact the center at www.nicic.gov

REPORT CARD: Status of Implementation of Board of Corrections Statutes

May 31, 2012

Codes for Status:
 N = Not completed
 P = Partial completion
 C = Completed
 U = Unknown

Abbreviations:
 BOC Maine Board of Corrections
 DOC Maine Department of Corrections
 AC Appropriations Committee, Legislature
 CJC Criminal Justice Committee, Legislature

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>34-A §1801. STATE BOARD OF CORRECTIONS</p> <p>1. Purpose of the board. The purpose of the board is to develop and <i>implement a coordinated correctional system</i> that demonstrates</p> <ul style="list-style-type: none"> • sound fiscal management 	<p>P</p>	<p>Coordination between counties is eroding. Coordination between counties and state has not been accomplished. DOC involvement has declined since the first year and is minimal at this time.</p>	<p>BOC and all stakeholders should review statute in full. Many do not seem to have an accurate working understanding of it (including BOC members).</p>
<ul style="list-style-type: none"> • achieves efficiencies 	<p>P</p>	<p>Significant effort has gone into <i>county</i> budgeting practices. No apparent BOC involvement with DOC fiscal practices. Implementation of BARS and CRAS management information reporting systems for jail beds, population and budgets.</p>	<p>Preliminary recommendations from RHR (auditors) address many facets of BOC fiscal practices. These should be carefully considered by the Board.</p>
<ul style="list-style-type: none"> • achieves efficiencies 	<p>P</p>	<p>Efficiencies realized in terms of:</p> <ul style="list-style-type: none"> • Jail inmate transport hub at Penobscot County to coordinate inmate transfers has reduced inter-county transfer costs. • Video arraignment and conferencing capacity within ten counties to offset court and transportation costs. • <u>Estimated</u> \$6 million in jail bed day savings as a result of implementing pretrial release screening and services, including the 	<p>Develop regional or statewide contracts for commodities, services and programs, when the contracts offer overall cost savings without reducing quality or timeliness. Adopt a methodology for estimating cost savings that may be attributed to various programs and services. Ensure consistent application of the methodology by the counties and contractors. Need Policy and Procedures drafted,</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
<ul style="list-style-type: none"> reduces recidivism 		<p>development of a Maine Pretrial Screening Tool, MPRAI.</p> <ul style="list-style-type: none"> \$3 million in savings to the DOC from housing offenders locally, not of out of state. 	<p>reviewed and implemented.</p>
<ul style="list-style-type: none"> and ensures the safety and security of correctional staff, inmates, visitors, volunteers and surrounding communities. 	P	<p>Implementation of a Reentry Center at the Waldo Correctional Facility serving DOC prisoners.</p> <p>Implementation of in-jail programs such as the K-CARA program, Veterans unit.</p> <p>Recidivism not being assessed or measured under BOC auspices.</p>	<p>Revisit earlier studies/reports (CACC and others. Identify "model" evidence-based practices that include a re-entry assessment at every facility, CBT programs in jails, and more.</p> <p>Develop evaluative measures and implement procedures to secure accurate data.</p>
<p>2. State goals. The board shall develop goals to guide the development of and evaluate the effectiveness of a coordinated correctional system.</p>	U	<p>Not being assessed or measured.</p>	<p>Develop process and outcome measures.</p> <p>Monitor at least quarterly and use findings to revise strategies, and during budgeting process.</p>
<p>The board shall present its goals for review and approval by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.</p>	N	<p>Evaluation of effectiveness of system not accomplished to date.</p>	<p>Set up operational monitoring system that will measure effectiveness of the coordinated system.</p>
<p>The goals must include benchmarks for performance in the following areas:</p> <p>A. Recidivism reduction;</p>	C	<p>Annual reports have been reviewed for years 2009, 2010 and 2011. Not all reports presented legislative proposals.</p>	<p>Present annual goals and priorities to the legislature tied to budget and performance.</p>
<p>The goals must include benchmarks for performance in the following areas:</p> <p>A. Recidivism reduction;</p>	N	<p>Implementation of a Reentry Center at the Waldo Correctional Facility;</p> <p>No benchmarks created by Board, but MCRRC has been revising original benchmarks.</p>	<p>.</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
B. Pretrial diversion; and	N	No benchmarks.	
C. Rate of incarceration.	N	No benchmarks.	
<p>34-A §1803. In addition to other duties and powers set out in this Title, the board is charged with the following responsibilities and duties. 1. Manage the cost of corrections. The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the coordinated correctional system with the goal of operating efficient correctional services.</p>	N	No plan.	
<p>Additionally, the board shall:</p>	C	Annual budget review and adoption is being completed.	
A. Review, amend if necessary and adopt the correctional services expenditures in each county budget under Title 30-A, section 710;			
B. Develop reinvestment strategies within the coordinated correctional system to improve services and reduce recidivism;	N	No strategies articulated.	
C. Establish boarding rates for the coordinated correctional system, except boarding rates for federal inmates;	P	"Nominal" rates set annually and by jail. Not set for DOC.	
D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction	N	No reviews have been conducted. Recommendations not submitted to joint standing committees.	

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>over appropriations and financial affairs;</p> <p>E. Develop parameters for facility population, including but not limited to gender; classification; legal status, including pretrial or sentenced; and special needs; and</p>		<p>BOC has not determined such parameters for jails, nor for DOC facilities.</p> <p>Jails and DOC facilities continue to make independent decisions regarding capacity and types of inmates.</p>	<p>Imperative to assign functional capacities to each jail, and to review annually. Jails should be considered full when functional capacity has been achieved, crowded when over. Current practices create serious safety and security risks.</p>
<p>F. Enter into contracts on behalf of and with the consent of the county commissioners and sheriffs in the case of county jails, and with the consent of the board of directors of the regional jail authority in the case of a regional jail, for goods and services when such contracts will:</p> <p>(1) Lower the cost of providing correctional services; (2) Improve delivery of correctional services; or (3) Otherwise help to achieve the goals of the board pursuant to section 1801.</p>	N	<p>No contracts executed to date.</p>	<p>[previously entered] Develop regional or statewide contracts for commodities, services and programs, when the contracts offer overall cost savings without reducing quality or timeliness.</p>
<p>2. Determine correctional facility use and purpose. The board shall:</p> <p>A. Determine individual correctional facility and county jail use, including the location of specialty units, which may include medical, mental health, women's and substance abuse units, other specialty units and housing of pretrial and sentenced populations;</p>	P	<p>BOC initially determined status of three jails (Franklin, Oxford, Waldo), reducing their operations the 72-hour lockups.</p> <p>Created "flagship" jails but beds in those jails often not offered to other counties due to cost and low board rate.</p> <p>BOC does not currently determine jail or DOC facility use.</p>	<p>Develop a master plan for statewide jail use. Not the same as a strategic plan. A strategic plan describes how to implement the master plan.</p> <p>Exercise this authority to implement provisions of the plan in each jail facility.</p> <p>Review plan annual and adjust practices as needed.</p>
<p>B. Review staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others; and</p>	N	<p>BOC has not reviewed staffing levels at jails, does not have that information in hand.</p> <p>BOC has not reviewed staffing at correctional</p>	<p>See <i>staffing recs at end of table.</i></p>

Statutory Mandate	Status	Notes/Comments	Suggestions
		facilities.	
C. Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services.	P	BOC initially downsized jails, has made no further decisions. Jails continue to determine own status individually. BOC has never attempted to review DOC facilities nor determine use/status.	Establish rules and guidelines for closing or downsizing. Particularly in light of recent conversations to close down Franklin and Oxford..
The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.	N	No rules have been developed, even though downsizing of three jails has occurred.	Develop programming for sentenced jail offenders including gender responsive programming for women, expand K-CARA if possible, basic CBT programming for medium and high risk offenders. Expand pretrial services statewide; establish standards consistent with ABA standards and "Measuring What Works" Make a deliberate plan for reentry practices beyond Waldo facility Work with DOC to establish graduated sanctions for violations/revocations. DOC has recently implemented graduated sanctions in field. This has been a primary mission for Commish.
3. Adopt treatment standards and policies. The board shall: A. Adopt standards for consistent systemwide pretrial, revocation and reentry practices;	P	The Board hired a full time employee for a period of time who served as a statewide coordinator of pretrial services. This position ended when grant funded ran out. Pretrial services exist in some counties through Maine Pretrial Services or VOA, however, no standards for consistent use statewide	

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>B. Adopt standards for the treatment of inmates with mental illness within correctional facilities and county jails, and in consultation with the State Forensic Service, adopt policies for facilitating the performance of court-ordered mental health evaluations within correctional facilities and county jails when appropriate; and</p>	N	<p>No progress.</p>	<p>Develop a plan to address mental health issues in jail (see my brief discussion about mentally ill in Maine jails)</p>
<p>C. Coordinate transportation of inmates in the coordinated correctional system.</p>	P	<p>Some coordination has been sponsored for jails (Hubs) but no efforts for correctional system. Some MDOC facilities have utilized the Hub System but use is not routine and not used by all facilities (e.g. MSP).</p>	
<p>4. Certificate of need. The board shall review and may approve any future public or private construction projects. The board shall establish a certificate of need process used for the review and approval of any future public or private capital correctional construction projects. A public or private correctional construction project may not be undertaken unless the board issues a certificate of need in support of that project. The board shall adopt rules governing the procedures relating to the certificate of need process and financing alternatives. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.</p>	P	<p>Some preliminary drafts were developed but these have not been finalized and adopted.</p>	
<p>5. Administrative duties. The board shall: A. Identify opportunities for and approve cost-saving agreements and efficiencies, including, but not limited to, purchasing or contract agreements, shared staff and staff training, transportation and</p>	P	<p>Focus groups have identified some efficiencies for jails, but nothing has been taken to the joint standing committee. No efforts regarding DOC.</p>	

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>technology initiatives. Any opportunities identified by the board must be included and discussed in the board's reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters as required under subsection 10;</p>			
<p>B. Consult with the State Sentencing and Corrections Practices Coordinating Council established in Title 5, section 12004-I, subsection 74-E and other groups, make recommendations related to sentencing and sentencing-related practices by other state and local government entities to the State Sentencing and Corrections Practices Coordinating Council for its consideration and utilize research and reports, including those issued by the Corrections Alternatives Advisory Committee, which was established by Public Law 2005, chapter 386, Part J, section 1 and amended by Public Law 2005, chapter 667</p>	U	<p>Unknown if this has been attempted.</p>	<p>Review CAAC report, ID priorities and an implementation plan.</p>
<p>C. Assist correctional facilities and county jails when appropriate to establish, achieve and maintain professional correctional accreditation standards;</p>	N	<p>No assistance has been provided to jails or DOC.</p>	
<p>D. Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806 and the State Board of Corrections Investment Fund program established in section 1805. The board may allocate available funds from the State Board of Corrections Investment Fund program to meet any emergency expenses or for maintenance in emergency conditions of any</p>	P	<p>BOC has administered funds for jails, not for DOC.</p>	

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county;</p>			
<p>E. Prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution under Title 30-A, section 701, subsection 2-A.</p>	P	<p>BOC has not been involved with DOC budgets or budget requests, with the exception of the review, without action, of the DOC 2009 budget. BOC has not consistently submitted a jail budget request that would achieve full compliance with the statute.</p>	<p>Each facility should submit an Actual budget to determine true costs of running system (incl. new CBA agreements, cost of inflation, etc.). Budget Focus Group or Executive Committee would analyze and report "real picture" to Board.</p>
<p>The board shall also 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; and</p>	P	<p>BOC has submitted request but this has not been fully funded by the Legislature in recent years.</p>	
<p>F. Promote and support the use of evidence-based practices.</p>	N		<p>Use CCA money, and other funds that may be secured through grants, to promote EBP pilot projects and programs.</p>
<p>6. Receive and review recommendations. The board shall receive and review recommendations submitted by the commissioner, the counties, the corrections working group established in section 1804 or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services, and other recommendations with respect to the delivery of state and county corrections services. The board</p>	P	<p>BOC has received and reviewed requests regarding jails. BOC has not received requests regarding DOC/corrections. BOC has not consistently consulted with the stakeholders identified in the statute.</p>	<p>BOC should ID priorities within which counties can submit plans BOC should establish quarterly or semi-annual meetings with interested parties and/or judiciary.</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county;</p>			
<p>E. Prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution under Title 30-A, section 701, subsection 2-A.</p>	P	<p>BOC has not been involved with DOC budgets or budget requests, with the exception of the review, without action, of the DOC 2009 budget. BOC has not consistently submitted a jail budget request that would achieve full compliance with the statute.</p>	<p>Each facility should submit an Actual budget to determine true costs of running system (incl. new CBA agreements, cost of inflation, etc.). Budget Focus Group or Executive Committee would analyze and report "real picture" to Board.</p>
<p>The board shall also 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; and</p>	P	<p>BOC has submitted request but this has not been fully funded by the Legislature in recent years.</p>	
<p>F. Promote and support the use of evidence-based practices.</p>	N		<p>Use CCA money, and other funds that may be secured through grants, to promote EBP pilot projects and programs.</p>
<p>6. Receive and review recommendations. The board shall receive and review recommendations submitted by the commissioner, the counties, the corrections working group established in section 1804 or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services, and other recommendations with respect to the delivery of state and county corrections services. The board</p>	P	<p>BOC has received and reviewed requests regarding jails. BOC has not received requests regarding DOC/corrections. BOC has not consistently consulted with the stakeholders identified in the statute.</p>	<p>BOC should ID priorities within which counties can submit plans BOC should establish quarterly or semi-annual meetings with interested parties and/or judiciary.</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>11. Committee review. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.</p>	C	<p>Assume the joint standing committee has conducted annual reviews.</p>	
<p>34-A §1804. CORRECTIONS WORKING GROUP The commissioner, the president of a statewide county commissioners association and the president of a statewide sheriffs association shall develop a memorandum of understanding for approval by the board that establishes an informal corrections working group consisting of representatives of the department, sheriffs and county commissioners.</p>	C	<p>MOU has been developed.</p>	
<p>The corrections working group shall meet as needed and as requested by either one or both chairs to engage in information sharing and to discuss and resolve any issues or problems experienced in daily operation of the coordinated correctional system, including the placement of inmates. The group shall advise and assist the board in the ongoing improvement of the coordinated correctional system. In carrying out this function, the working group may consult with experts and stakeholders, including but not limited</p>	C	<p>CWG has been very active in recent years with frequent meetings and reports to the BOC.</p>	<p>Structure and authority of CWG is unusual. Overlapping membership with BOC but not an executive committee. Restructuring should be considered. The CWG should meet on an as needed basis based on task(s).</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>to prosecutors, defense attorneys, judges, victim advocates, providers and advocates for persons with mental illness and other interested parties. If an issue arises that cannot be responded to by the working group, the board shall meet to review the issue. The working group shall report to the board</p>			
<p>34-A §1805. STATE BOARD OF CORRECTIONS INVESTMENT FUND PROGRAM</p> <p>1. Program established. The State Board of Corrections Investment Fund program, referred to in this section as "the program," includes General Fund accounts and Other Special Revenue Funds accounts for the purposes specified in this section.</p> <p>2. Expenditures of program. Except as otherwise provided in this section, funding of the program may be expended only to compensate county governments and the department for costs approved by the board and the Legislature.</p> <p>3. Sources of funding. The State Controller shall credit to the Other Special Revenue Funds accounts of the program: [see footnote]¹</p> <p>4. Unencumbered balances. Any unencumbered balance in General Fund accounts or Other Special Revenue Funds accounts remaining at the end of</p>	<p>P</p>	<p>Fund has been created. Compensation has not been provided to the department (DOC).</p>	

¹ A. Any net county assessment revenue pursuant to Title 30-A, section 701, subsection 2-A in excess of county jail appropriations in counties where jails or correctional services have been closed or downsized; B. Any net county assessment revenue in excess of county jail expenditures in counties where changes in jail operations pursuant to board directives under section 1803 have reduced jail expenses. Any net revenue in excess of county or regional jail expenditures resulting from efficiencies generated by the independent actions of a county or regional jail remains with the county's or regional jail authority's correctional services fund balance; D. Money from any other source, whether public or private, designated into or credited to the Other Special Revenue Funds accounts of the program; and E. Interest earned or other investment income on balances in the Other Special Revenue Funds accounts of the program.

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>any fiscal year does not lapse but is carried forward to be expended for the purposes specified in this section and may not be made available for any other purpose.</p>			
<p>5. Report by chair of the State Board of Corrections. The chair of the board shall report at least annually on or before the 2nd Friday in December to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report must summarize the activity in any funds or accounts directly related to this section.</p>	C	Assume required reports have been completed.	
<p>34-A §1806. COMMUNITY CORRECTIONS FUNDS DISTRIBUTED BY BOARD</p> <p>2. Establishment of County Jail Prisoner Support and Community Corrections Fund. The County Jail Prisoner Support and Community Corrections Fund is established for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained in or sentenced to county jails and for establishing and maintaining community corrections.</p> <p>3. Distribution. Beginning July 1, 2009 and annually thereafter, the board shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97....[see breakdown]</p>	C		<p>Percentage distribution should be updated. Two Bridges Regional Jail was not in existence when funds were divided. CCA funds should not be used to underwrite basic operations, but rather should be used to fund, and encourage development of, programs and services that meet the intent of sections XXXX [EBP, Recidivism, etc.]</p>

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>4. Authority to deviate from percent distribution. Notwithstanding subsection 3, the board may alter the percent distribution to a county based on a substantial change in the nature or extent of correctional services provided by that county.</p>	N	<p>Authority to deviate has not been exercised.</p>	
<p>5. Change in state funding of county jails. If a county experiences at least a 10% increase in the total annual jail operating budget or if a county issues a bond for the construction of a new jail or renovation of an existing jail, the county may file with the board a request for an increase in the amount of state funds the county receives for the support of prisoners. [see footnote] ²</p>	U	<p>Unknown if this statutory provision has been exercised by any county. County reports on community corrections programming (the 20%) go directly to MDOC not BOC. DOC fiscal agent makes determination if programming meets requirements.</p>	<p>If BOC is not in agreement about the intent and meaning of this section, official clarification should be sought.</p>
<p>6. Community corrections program account. Each county treasurer shall place 20% of the funds received from the board pursuant to this section into a separate community corrections program account. [see footnote for more.] ³</p>	C	<p>Assume compliance is maintained with the provisions of this section.</p>	
<p>7. Surcharge imposed. In addition to the 14%</p>	C	<p>Assume provisions of this section have been</p>	

² A county must file a request for an increase in the amount of state funds the county receives for the support of prisoners by February 15th for an increase experienced in the prior fiscal year. The board shall review the request and, if the county demonstrates to the board a need for the increase, the board shall distribute the approved amount to the county from the surcharges collected under subsection 7. All funds distributed under this subsection must be used only for the purpose of funding counties' costs of the support of prisoners detained in or sentenced to county jails and for establishing and maintaining community corrections. The board shall forward the request and supporting documents to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters of a county's requested increase and any distributions made to counties under this subsection

³ A county may use funds placed in this account only for community corrections. Before distributing to a county that county's entire distribution from the County Jail Prisoner Support and Community Corrections Fund, the board shall require that county to submit appropriate documentation verifying that the county expended 20% of its prior distribution for the purpose of community corrections. If a county fails to submit appropriate documentation verifying that the county expended 20% of its prior distribution for the purpose of community corrections, the board shall distribute to that county only 80% of its distribution from the County Jail Prisoner Support and Community Corrections Fund. The board shall distribute the 20% not distributed to that county to all other counties that submit appropriate documentation verifying compliance with the 20% expenditure requirement for the purpose of community corrections. The board shall distribute these funds to those qualifying counties in an amount equal to each county's percent distribution pursuant to subsection 3.

Statutory Mandate	Status	Notes/Comments	Suggestions
<p>surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. [see footnote] ⁴</p>		<p>implemented and compliance has been maintained.</p>	

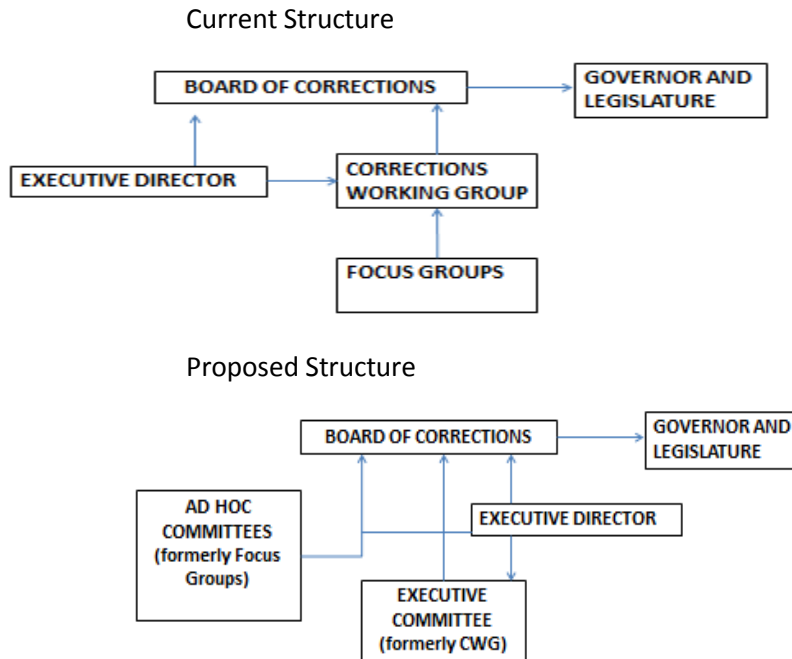
⁴ All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the State Board of Corrections Investment Fund program that is administered by the board. All funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 5. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

APPENDIX B: RECOMMENDATIONS

A. Board of Corrections

Recommendation A-1. Streamline the BOC's organizational structure to more clearly delineate the BOC, CWG and Committees. The current and proposed structure is presented in Figure III-1.

Figure III-1: Current and Proposed Structure of Maine Board of Corrections



Recommendation A-2. Re-affirm the roles, responsibilities and reporting process of the BOC and CWG. Greater clarity about the specific roles and relationship of these entities is needed by the wide range of stakeholders who interact with the BOC and CWG. Consider what changes may be needed if the Corrections Working Group were to act more as a BOC Executive Committee. Reserve some time at an upcoming BOC/CWG meeting to discuss and agree on each group's roles and responsibilities, expectations of each other, and reporting. Revise descriptions on the Board's website and in all other materials. Communicate changes to state and local stakeholders. Reaffirm the roles and responsibilities of the Executive Director in light of any of these changes.

Recommendation A-3. Implement new committee structure.

Complete work of current focus groups.

Undertake a review of the focus group work to date. What has been accomplished? What recommendations should be brought forward that have not yet been addressed?

Determine if there are any current focus groups that should continue as ad hoc groups (see below).

Consider use of ad hoc committees as needed. Some issues to consider when implementing an ad hoc committee structure include:

Ad hoc committees are appointed by the BOC as needed to address specific issues;

They are short-lived – meeting as long as is needed to accomplish their mission in an efficient manner;

Ad hoc committees report directly to the BOC with findings and recommendations on the assigned objective within specified time frames;

Consider appointing only a few ad hoc committees at a time to address priorities and goals to consolidate resources; and

Consider including one BOC and one CWG member as well as others with knowledge and skills to address an issue. Also consider opportunities to enhance collaboration with other agencies and stakeholder groups through ad hoc committee membership.

Re-task the current budget committee as a standing committee;

Develop a plan to implement the independent audit recommendations and present to BOC for review and decision making;

Establish consistent and certain budget process, including one budget format for all, and budget guidelines;

Implement additional recommendations described in Section III. D of this report; and

Shoulder primary responsibility for the initial review of annual budgets.

Recommendation A-4. Hone skills as individual team members and as a team. All teams can benefit from improving their skills as BOC and CWG team members. There are many resources available to assist groups in becoming high performing teams (such as www.collaborativejustice.org). These are not listed here but are available on request. Consider reserving some time (no more than 15 minutes) at each BOC meeting to discuss process issues: How do we as BOC members feel we are working together?; What is working well about our collaboration?; Where can we shore up our collaboration? What specific steps can we take to address collaboration challenges?

Recommendation A-5. Develop specific operating norms for the BOC and CWG to work together. The BOC should also reserve some time at an upcoming meeting to reiterate their ground rules (a team exercise for developing ground rules may-- be found at the website noted above): What is the role of the public at BOC meetings? When/how will the BOC get public feedback? Is there a specific meeting schedule? What is specifically expected of members? What happens if members don't/can't come to meetings? What are the specific responsibilities of the CWG versus the BOC -- How are they alike and different, are there overlapping responsibilities, etc.? What is the BOC's decision-making process? Does the BOC operate by consensus decision-making? It is important to clearly articulate the BOC/CWG operating norms and have members agree on them. These norms should be posted in the BOC meeting room with the Board's mission, values and goals, and on the BOC website.

Recommendation A-6. Review meeting schedule, frequency, length of meetings; reschedule as appropriate. The BOC should review its current meeting schedule to determine if it still makes sense in light of other potential changes to its organizational structure. For example, does the BOC want

to meet less frequently (perhaps bi-monthly or quarterly) in longer sessions (if needed)? Should the CWG meet more frequently?

Recommendation A-7. Establish a “standard” agenda format that allows for the discussion of issues critical to the BOC. Despite the current fiscal crisis, the BOC should consider developing balanced agendas for their regular meetings that allow for the discussion of: immediate issues; process issues (no more than 15 minutes as noted above); jail population management issues; and progress on strategies to achieve their vision. It is possible that additional special meetings will be needed to address immediate issues that cannot be resolved at regularly scheduled meetings; however, the BOC should guard against using all their time to address single issues to the exclusion of all others.

Recommendation A-8. Consider conducting an annual BOC retreat. The BOC may benefit from an annual full day retreat. The purpose would be to assess progress towards goals in the previous year and develop goals and priorities for the coming year. The BOC may also review the work of any ad hoc committees and agree on the formation of committees for the coming months. An annual retreat could also provide the BOC the opportunity to review, as a team, emerging research with respect to reducing recidivism, or become more familiar with emerging best practices in the field. An annual retreat also provides the opportunity for the BOC to develop a longer term strategic plan and measure its performance with respect to that plan. A retreat would also enhance board member trust and strengthen professional relationships.

Recommendation A-9. Consider working with an outside facilitator at a BOC retreat or special meeting. There are many skilled facilitators in Maine and in other locations who may assist the BOC and staff in the development of annual retreat goals and agenda and/or assist the BOC in conducting results-driven meetings.

Recommendation A-10. Work deliberately to strengthen collaboration. Again, the BOC may wish to devote some time at an upcoming meeting to identify specific strategies for: building bridges with those they believe have become estranged; identifying and working with stakeholder agencies with whom they have goals in common; and enhancing their working relationship with the state department of corrections.

Recommendation A-11. Exercise its leadership. The BOC has a unique role that is defined by statute, providing the opportunity to move toward the vision of One Maine One System. One of the issues most often cited by those interviewed is the perception that BOC does not exercise its leadership and decision making authority in this regard. Many of the recommendations that precede this one, if implemented, will assist the BOC to articulate its leadership and decision making roles and responsibilities. The BOC should consider developing specific strategies for enhancing the statewide perception of them as a strong corrections leader and player in state corrections. Building alliances with counties commissioners, judges, sheriffs, jail administrators, prosecutors and others regarding the safe operation of jails will also assist the BOC in building its reputation as a corrections leader in the state.

Recommendation A-12. Establish five year strategic plan and establish annual priorities. The consultants strongly urge the BOC to take the time to focus on broader, long term issues beyond jail operations funding, despite the short term budget crises. The BOC should establish a few key priorities to work toward each year. The BOC and most stakeholders interviewed agree that the CACC, Pretrial, and Alternative Sentencing reports provide the blueprint what should be

accomplished. The BOC is well positioned – and especially now with full time staff – to review these reports and develop a plan for implementing key recommendations. The BOC may start with those recommendations that are “low hanging fruit” or those that have little cost implications. Progressing toward the One Maine One System vision of a coordinated statewide jail system absolutely requires the articulation of a strategic plan by the BOC.

Recommendation A-13. Develop and implement a dashboard and/or performance measurement plan. The CRAS and BARS information systems provide basic jail population information, but does not allow for the analysis of issues the BOC may be interested in tracking (i.e. per meal costs across all facilities, more detailed profiles of special populations, range of bail amounts by crime type, most serious charges and number of charges per individual of jail population across the state, actual staff deployment, length of time awaiting pretrial decision making, etc.). One way to begin to establish a more robust measurement system is to develop a dashboard that highlights a few critical issues the BOC is interested in tracking over time. A dashboard provides quick and easy way to understand information in a summary, one page fashion. Additional performance measures should be identified and tied to BOC priorities and annual goals. Every attempt should be made to identify and collect data to monitor implementation activities as well as short and long term outcomes. It is important to pay attention to the implementation *process* as well as the outcomes.

Recommendation A-14. The BOC should secure legal opinions that clarify the nature and extent of its authority.

Recommendation A-15. The Board should seek legislation that will clearly redefine the scope of the Board’s purpose and authority, reconciling all language in the current statute to that end.

Recommendation A-16. Membership: The Board should evaluate its membership annually and determine if changes should be made in its composition and/or in the composition of its committees.

B. Managing the Jail Population

Recommendation B-1. Develop a plan to implement the recommendations of the CAAC report..

Recommendation B-2. Undertake a review of women in jails. Typically, women are lower risk and can be safely supervised in the community. It is not known based on this data whether women classified as maximum are probation/parole holds, in pretrial status or sentenced; however, the large number of women classified as maximum is an alarming and is inconsistent with national data on female offenders. The review of women in jail should consider whether the LSI-R or other assessment tools are over-classifying women. This has basis in research (see Van Voorhis, et. al., 2009). Consider alternative housing options for women. Consider gender responsive programming for women, especially alternatives to incarceration. Utilize resources available from NIC (www.nicic.org/womenoffenders) and the National Resource Center on Justice Involved Women (www.cjinvolvedwomen.org).

Recommendation B-3. Establish graduated sanctions for probation and parole violators. Work with DOC to establish graduated sanctions for probation and parole violators. Establish parameters for use of jail to detain probation and parole violators.

Recommendation B-4. Expand programs for special populations, including seriously mentally ill and substance abusers. The K—CARA program boasts an impressive success rate with a mental health population. Given the large number of jail inmates with mental illness and substance abuse problems, consider expanding the program and/or developing additional options to address this population.

Recommendation B-5. Increase the statewide capacity of pretrial services. Clearly, pretrial services can have a significant effect on the Maine jail population. Pretrial services are underutilized statewide. While there would be costs for expanding pretrial services, there would be significant jail bed day savings over time without sacrificing safety or court appearance. This program essentially pays for itself and is an essential program for managing jail populations.

Recommendation B-6. Expand the use of Title 30-A Community Confinement Monitoring (CCM). In 2009, important changes were made to the Title 30-A statute, which redefined home release monitoring as a program that assesses and targets lower risk offenders for early supervised release. The BOC adopted the Level of Services Inventory – Revised (LSI-R) as the official risk/needs instrument to be used for CCM. The BOC also adopted the risk categories currently in use by the Maine Department of Corrections (MDOC) for the LSI-R. In 2012, there were only 40 persons on CCM statewide on an average day. The BOC should promote expanded use of this program, especially in light of the large number of jail offenders who are classified as lower risk in Maine jails.

Recommendation B-7. Expand alternative sentencing programs (ASP.) To date, beyond a lot of discussion, alternative sentencing programs have not been expanded. Some of the needs have been identified, such as the need for space where programs could be operated, the need for more frequent and consistent offering of ASP's, and the need to promote, coordinate, and advertise these programs when they are offered.

Recommendation B-8. Adopt a pretrial risk assessment instrument. Whether the M-RISK or MPRAI, or both, are adopted by BOC, continue to utilize a validated pretrial risk tool to assess pretrial defendants' risk of appearance and crime.

C. Jail Operations and Conditions

Recommendation C-1. The Board should secure an independent assessment of the rated capacity of each jail and lockup, using state jail standards and the new national Core Jail Standards as benchmarks. In addition to the rated (nominal) capacity, a functional capacity should be established for each facility. Recommended revisions should be submitted to the Board.

Recommendation C-2. The Board should adopt a policy and implement practices that evaluate jail crowding using the functional capacity of each facility.

Recommendation C-3. The Board should implement a policy that prohibits housing non-county inmates in jails when the functional capacity of that jail has been exceeded.

Recommendation C-4. The Board should secure and review the latest staffing plan and inspection report as part of the budgeting process for each jail.

Recommendation C-5: The Board should secure an independent review of jail staffing plans.

Recommendation C-6: The Board should establish a mechanism for monitoring actual staff deployment in jails and use that information to determine if DOC-approved staffing plans are consistently implemented.

Recommendation C-7: The Board should monitor the quantity, quality and consistency of programs and services that are provided to county inmates. Special attention should be given to inmates who are boarded out to ensure that their conditions of confinement and level of care are comparable to other inmates.

Recommendation C-8: The Board should explore regional contracts for the delivery of programs and services to inmates as a means of ensuring consistency, and as a possible savings measure.

Recommendation C-9: The Board should establish a mechanism for monitoring the nature and extent of inmate dislocation from the county of their arrest. The distances involved should be examined in addition to the number of inmates who are boarded out. Budget decisions should be informed by the extent and impact of dislocation that will occur.

Recommendation C-10: The Board should explore the feasibility of allowing Franklin, Oxford and Waldo Counties to house their lowest security inmates in their existing facilities. This would reduce the dislocation of inmates from those counties, restore sentencing options to the courts, and help to amortize the current costs associated with operating short-term detention facilities. This approach could be accomplished with minimal additional operating costs. If this policy is adopted, the Board will need to work with the DOC to develop appropriate standards for such “community residential units.”

Recommendation C-11: The Board should develop a long-term master plan for a balanced and coordinated jail system. Decisions about re-tasking facilities must be made in the context of such a plan. The plan should revisit the decisions to close jails in Franklin, Oxford and Waldo Counties. Capital projects, such as expanding capacity, must be addressed in the plan.

D. Financing and Budgets

Recommendation D-1. The BOC, county officials and other stakeholders should unite to develop a strong base of support for the work of the Board and to promote consistent full funding for budgets that are advanced by the Board.

Recommendation D-2: The Board’s annual budgeting process should start with a submission from each county/authority requesting the resources needed to meet all of the requirements and intent of the statute. The BOC should review each budget and amend as it determines appropriate—but not to meet an arbitrary cap. The sum of these budgets should be considered the benchmark for each year and should be sent through the funding process (Criminal Justice Committee, Appropriations Committee) backed by strong and effective advocacy by the BOC and the counties.

Recommendation D-3: The Board should establish a performance budgeting process that identifies process and outcome measures for the counties. This information should be used by the counties when drafting and defending their budgets, and by the Board to evaluating budget requests.

Recommendation D-4. The recommendations of the independent auditors should be considered and adopted wherever appropriate.

Recommendation D-5. The Board should develop better instructions and protocols to guide county financial activities and reporting. Many of the recommendations issued by the independent auditor will be helpful to that end.

Recommendation D-6. The Board should evaluate the financial dimensions of its work in three years, after every effort has been made to develop and implement a system that leaves responsibility for disbursing funds at the county level. If sufficient progress has not been made, the Board should look at centralizing all financial activities under its statewide authority.

Recommendation D-7. The Board should encourage the DOC to assume responsibility for funding the Waldo County costs that are incurred on behalf of DOC inmates.

Recommendation D-8. The Board should allocate funds to hire employees to assist with all facets of its work. Priority should be given to fiscal positions.

APPENDIX C: DOCUMENTS REVIEWED

Board of Corrections

- Annual Reports 2009, 2010, 2011
- Minutes from most meetings
- Policies and Procedures
- Budget, Growth Rates and Investment Fund Authorizations. All Counties. 2011.
- Response to FY11 Curtailment Target and FY11 Supplemental Budget
- AMENDMENT ADDENDUM: FY 12-13 Biennial Budget Growth Rate and Budget Request
- FY12-13 Growth Rate Methodology
- FY2012 Investment Fund Disbursement Schedule and Compliance Requirements
- Memo Fiscal Year 2013 Budget Time Line
- Memo Fiscal Year 2013 Budget Instruction and Submission Time Line
- Fiscal Agent Report
- Oxford County forensic beds
- FY12-13 & Historical Financial Analysis
- Streamlining Presentation
- Draft Policy Statement - Capital Improvement Plan
- CWG Prioritization Review of Capital Items Summary
- Draft Expense Reimbursement Policy
- Draft Policy Statement Capital Improvement Planning
- Memo on FY2012 Budget, Approvals, Revenues and Investment Fund Payments, and FY2011 Carry-Forward Surplus Commitments to Support FY2012 Initiatives and Operations.
- Aroostook County 2011 Achievement Award
- FY11 Investment Fund Disbursements
- FY12 Budget Approvals (.pdf 109KB)^
- Corrections Working Group (MOU)
- FY12-13 Budget Submissions Summary Explanation
- Strategic Report
- Maine Sheriff's Association Proposal for Consideration
- SBOC FY10 CRAS Analysis and System Fund Balance Projection
- BOC Performance Base Indicators
- MBOC CJ Projected Population Growth and Budgeted Capacity FY12
- Board responsibilities and duties
- MDOC Adult Budget Analysis FY09-FY13
- Structural Gap FY10 through FY13
- SBOC FY10 Projection Run Rates vs County Projections
- BOC County Jail ADP & FY11 Projected Budgeted Capacity
- Pretrial Diversion and Reentry Work Plan 2010
- MDOC FY10-11 Supplemental Impacts
- Public Service Coordinator II (Director of Pretrial Services)
- Letter of Mission and Structure
- Letter to County Commissioners - FY11 Budget Process
- BOC Boarding Rates
- 1-FY10 Budgets Marginal Cost as of 7-8-09
- Board of Corrections Rule - CHAPTER 2

- Draft Certificate of Needs Process
- Draft Process of Downsizing or Closing of Facilities or the Reassignment of Services
- MDOC Adult Biennial Request
- County Jail Plan Overview
- Board of Corrections Overview

Data reports: Criminal Justice populations 2004-2008, 2009-2011

Pretrial reports:

- Pretrial Focus Group report to BOC, 2009
- Maine Pretrial Services 2011 statistical reports
- MPRAI Training Manual
- M-RISK report by Muskie Institute
- Snapshot data from VOA and MPS on April 19, 2012

Title 30-A, §1659-A. Community confinement monitoring program enabling legislation

Title 34-A. Board of Corrections enabling legislation

Rubin, Mark. Targeted Interventions could Ease Maine's Jail and Prison Population, Maine Justice Policy Center, February 2008.

Department of Health and Human Services, Mental Health Jail Study, 2012, PowerPoint presentation

DHHS Office of Continuous Quality Improvement Services. Prevalence of Mental Health and Substance Abuse Challenges in Maine's County Jails, Volume 4, Issue 1, February 2012.

Interim Report of the Corrections Alternative Advisory Committee:

<http://www.maine.gov/corrections/caac/reports/InterimReport.pdf>

Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness:

<http://www.maine.gov/corrections/caac/pretrial/SupMat/PretrialCaseProcessinginMaineFinalReport.pdf>

Evidence-Based Practices: A Framework for Sentencing Policy

<http://www.maine.gov/corrections/caac/SupMat/FinalReportSentencingPracticesSubcommitteeForPrinting.pdf>

Final Report of the Corrections Alternatives Advisory Committee, December 2006

CAAC Summary of Recommendations Matrix

Series of four newspaper articles in March 2011 regarding state of bail in Maine, Bangor Daily News.

Associated Press article: Maine jail consolidation saves the state over \$19.2 million over four years, March 16, 2011

Title 30-A: MUNICIPALITIES AND COUNTIES, PL 1987, Chapter 13: COUNTY JAILS AND JAILERS, PL 1987, C. 737, PT. A, §2 (NEW) Subchapter 4: MISCELLANEOUS PROVISIONS PL 1987 §1659-A. Community confinement monitoring program

Draft and Final Reports from Auditors (RHR). 2012.

County Detention in Maine, Vols. I, II and III (Master Plan). Maine Sheriffs Association. 1979.

Impact Statements- 1% Reduction, All Jails. 2012

County Jail Population Reports, Legal Status, Admissions, Releases. 2010, 2011.

Focus Group Notes/Reports

- Budget

- Information Technology

- Inventory of Needs

- Medical

- Mental Health and Substance Abuse

- Transportation

Correctional Working Group Notes and Reports

Minutes from most Board of Corrections Meetings

County Budgets, Most Counties

Video Conferencing Needs Assessment Report

Oxford County. Information and Data. Incidents, Maine Pretrial Services, Demographic Analysis

Kennebec County. Corrections Division Report. K-CARA Program Material.

Maine Coastal Regional Reentry Center (MCRRC) Resident Handbook.

Penobscot County. Classification Data/Information. 2011 Annual Report.

Washington County. Budgets. NIC Facility Assessment Report (2008).

APPENDIX D: LIST OF CONTACTS

Phone Interviews Prior to Site Visits

- Michael Tausek, BOC Executive Director
- David Allen (Jail Administrator - Somerset County)
- Scott Ferguson (Fiscal Agent - MDOC)
- Amy Fowler (Waldo County Commissioner)
- Joseph Ponte (Commissioner - MDOC)
- Glenn Ross (Sheriff - Penobscot County)
- Mark Westrum (Jail Administrator - Two Bridges Regional Jail)
- Douglas Beaulieu (County Administrator - Aroostook County)
- David Bowles (York County Commissioner)
- Richard Hanley (COO Spring Harbor Hospital)
- Randall Liberty (Sheriff - Kennebec County)
- Vinton Cassidy (Drafting Instructor - Retired)
- John O'Connell (Lincoln County Administrator)
- Elizabeth Simoni, Maine Pretrial Services
- Marie VanNostrand, Luminosity, Inc.

Post-Site Visits

- Judge Paul Cote

Maine Board of Corrections Meeting, Wednesday, May 8. See BOC Minutes.

Maine Sheriffs' Association Retreat

- Sheriff Glenn Ross, President, Penobscot County
- Sheriff Randall Liberty, 1st VP, Kennebec County
- Sheriff Maurice Ouellette, 2nd VP, York County
- Sheriff Joel Merry, Secretary, Sagadahoc County
- Sheriff Wayne Gallant, Treasurer, Oxford County
- Sheriff Todd Brackett, Immediate Past President, Lincoln County
- Sheriff James Madore, Past President-at-Large, Aroostook County
- Sheriff Bill Clark, Hancock County
- Sheriff Scott Story, Waldo County
- Sheriff Guy Desjardins, Androscoggin County
- Sheriff Kevin Joyce, Cumberland County
- Sheriff Donna Dennison, Knox County
- Chief Deputy Jeff Trafton, Waldo County
- Chief Deputy Tim Carroll, Knox County
- Chief Deputy John Carroll, Somerset County
- Mark Westrum, Jail Administrator, TBRJ
- Michael Vitiello, Jail Administrator, York County
- John Lebel, Jail Administrator, Androscoggin County
- David Harmon, Jail Administrator, Piscataquis County
- John Hinkley, Jail Administrator, Knox County

- Commissioner Amy Fowler, President MCCA, Waldo County
- Michael Tausek, Executive Director, Board of Corrections
- Mary-Anne LaMarre, Executive Director, Maine Sheriffs Association

During Site Visits

- York County: 7 persons including County Manager, Sheriff, Jail Administrator and jail staff
- Cumberland County: 5 persons including jail administrator, asst. jail staff, finance director
- Androscoggin County: 12 persons including Scott Landry, Probation and Parole, Jail Administrator, County Commissioner, Clerk, Bail Commissioner, jail staff, Sheriff
- Two Rivers Jail Facility: 12 people, including jail administrator, sheriffs, county commissioners, jail authority members, Volunteers of America
- Penobscot County: Sheriff Glenn Ross, Sgt. Lebreton, Lt. Babb, Rick Clukey- Jail Administrator
- Hancock County: Sheriff Bill Clark, Capt. Carl Dannenberg- Jail Administrator
- Washington County: Sheriff Don Smith, Bob Gross- Jail Administrator, Lt. Mary Zidalis, John Crowley- County Commissioner, Betsy Fitzgerald- County Manager, Dave Brown- Training Director

Kennebec County

BOB DEVLIN	County Manager	
Randall Liberty	Sheriff	
Ryan Reardon	KSO	
Michael Mitchell	Chronicler	Crisis & Counsel
Marsha Alexander	Corrections Administrator	
Michael Tausek	E.D.	Board of Corrections
E.A. Simon	E.D.	Maine Pretrial
Tom Scott	MCCA Staff	Home Care Co.

Oxford County

Edward Quinn	Oxf. Cty Jail
Steve Merrill	Commissioner
Pam Dillingham	Oxf. Cty Jail
Judy Haas	Assistant County Administrator
Wagye Gallant	CEO
Stacy Carter	Rumford PD
DAVE TRIPP	Ox. Cty, S.O.
Sharon Tibbets	Oxford PD
Philip Weymuth	Fryeburg PD
Mike Tausek	Board of Corrections
Road Miller	for N.P.C.
Lauretta Sanborn	Maine Pretrial Services

Scott Story	Sheriff WSO
Bob CARTIER	M DOC Probation + Parol
Karen Clarke	VOA Pretrial Case manager
Suzanne Farley	Adult Program Coordinator - R.J.F
JOHN Fitzgerald	VOA MCLP-ILC CASE MGMT
Matt Magnusson	Probation + parol - Doc
Robert Walker	Detention manager WSO
Male Grant	VOA Case Manager
Tia Paulin	VOA case manager / substance A
Margaret Nicolichuk	Director Restorative Justice
ERIC WALICKER	DEP. D.A. - DISTRICT 6
Ray Porter	CORRECTIONS ADMINISTRATOR
Jerome Weiner	VOA Program MANAGE

Franklin County Detention Center

NIC/BOC Meeting with Stakeholders

05/08/2012

NAME	ORGANIZATION	CONTACT INFORMATION
Tara Hamlin	FCJ	FcJail@yahoo.com
Jason Hamlin	FCJ	645-3887
Richard Morton	Franklin Co Probate	778-5888
Albert Smith SR	FCJ	778-4726
Richard Caton	Jay PD	897-6766
Jack Peck	Farmington P.D	778-6311
Shane Cote	Farmington P.D	778-6311
Richard Davis	Town of Farmington - Mgr.	778-6538
Russell Black	WILTON	645-2990
Thomas White	Franklin Sheriff's Office	778-2680
Scott Taylor	Wilton	645-9854
Rhonda Irish	Town of Wilton - Mgr	645-4961
Heidi Wilcox	Wilton Police	645-3876
DAVID ST-LAURENT	FRANKLIN S.O	778-2680
Richard Billian Jr.	Wilton Police	645-3876
Randall Kestell	MSP	778-5890
Ryan D. Moran	Farmington Selectman	919-7314
John Donald Jr.	F.C.J.	462-0108
Shenff Pike	FCSD	778-4504
Manager Doug Blauvelt	FCJ	860- 86 6431

Franklin County Detention Center

NIC/BOC Meeting with Stakeholders

05/08/2012

NAME	ORGANIZATION	CONTACT INFORMATION
Aaron E. Marden	FCSC	491-3600
Raymond Meldrum	Franklin County Sheriff	778-2680
Gary McGraw	County Commissioner	491-0188
Fred Hardy	" "	778-4320
Chad Bunker	" "	778-1376
Julie Mayon	County Clerk	778-6614
John Calloway	Budget committee chair	639-2908
Larry White	JAY Police chief	897-6766
Scott Nichols	Carroll County Valley chief	237-3208
Randy Walker	Carroll County Valley LT	237-3200
Dennis Leahy	Randolph P.D. Chief	864-3579
GREG DAVIS	Franklin Journal - Editor	778-2075
Woody Hanstein	Attorney	778-2958
Richard Amcock	- MP5	701-9979
Bill Hall	DHHS	592-9865
Phillip Richards	FCSD	860-6433
Ruth Cushman	Jay Town Man	897-6785
Donna Perry	Sun Journal	778-677-2nd 6
Lance Harvell	Farmington	778-2981
Larry C. Dunphy	District 88	skima2@roadrunner.com 399-4963

		AVERAGE DAILY POPULATION BY TYPE OF HOUSING, BOARD IN/OUT, OTHER																				TOTALS			Grand Total		NET Board	
Jan-11	SN M	SN F	MSMM	MSMF	MMM	MMF	MC M	MC F	BIM	BIF	BI TOT	BO M	BO F	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board								
Andro	1.1	0.0	12.3	0.3	41.7	6.5	62.1	11.0	15.8	2.6	18.5	5.3	0.3	1.3	0.2	135.1	5.5	1.4	142.1	12.90								
Aroos	0.0	0.0	0.0	0.0	64.1	4.5	0.8	0.0	1.0	0.1	1.1	27.3	5.7	0.0	0.0	69.4	33.0	0.1	102.5	(31.90)								
Cumb	29.9	0.0	10.6	3.0	255.5	52.5	25.8	3.9	69.7	13.1	82.8	0.0	0.0	3.6	1.8	381.1	0.0	5.4	386.5	82.81								
Frank	0.2	0.0	1.1	0.8	7.5	0.5	2.8	0.7	0.4	0.1	0.5	17.2	1.4	1.2	0.1	13.6	18.6	1.3	33.5	(18.13)								
Hanc	0.9	0.0	4.8	0.0	22.5	1.3	17.8	3.5	2.0	0.9	2.9	2.1	0.4	1.0	0.0	50.9	2.5	1.0	54.4	0.35								
Kenn	0.1	0.0	11.4	0.5	107.8	7.0	18.7	10.0	6.7	0.4	7.1	11.3	0.2	6.2	2.4	155.5	11.5	8.5	175.5	(4.42)								
Knox	0.7	0.0	1.3	0.0	49.9	15.5	2.6	0.5	5.5	1.0	6.5	9.5	0.1	1.4	0.7	70.5	9.6	2.1	82.2	(3.03)								
LiSa	0.3	0.0	4.2	0.2	107.0	15.8	14.8	0.7	60.2	3.4	63.6	2.4	0.4	0.5	0.9	143.0	2.8	1.4	147.2	60.81								
MCRR	0.4	0.0	0.7	0.0	5.5	1.1	22.2	0.4	3.3	0.3	3.5	2.4	0.5	0.0	0.0	30.3	2.8	0.1	33.2	0.68								
Oxf	0.1	0.0	0.5	0.2	9.2	1.9	0.0	0.0	0.6	0.1	0.7	13.4	3.5	4.8	1.3	11.9	16.8	6.2	34.9	(16.13)								
Pen	5.1	0.8	11.8	0.8	96.8	21.2	7.2	0.3	10.8	2.0	12.9	32.1	9.2	0.2	0.2	139.5	41.3	1.4	182.2	(28.39)								
Pisc	0.3	0.0	1.4	0.0	29.5	3.8	7.2	0.9	21.5	2.4	23.9	0.5	0.0	0.4	0.1	43.1	0.5	0.5	44.0	23.35								
Som	11.9	0.0	6.2	0.3	78.6	7.1	61.6	9.0	87.8	5.8	93.5	4.8	0.2	0.2	0.0	174.7	5.0	0.2	179.9	88.55								
Wal	1.1	0.0	1.2	0.1	12.6	2.7	3.3	0.6	3.2	0.5	3.6	27.8	2.6	1.1	0.1	21.6	30.5	1.3	53.3	(26.84)								
Wash	1.1	0.2	0.6	0.0	31.3	4.7	3.9	0.6	0.4	0.1	0.5	1.5	0.0	2.0	0.0	42.4	1.5	2.0	45.9	(1.03)								
York	0.0	0.1	16.1	0.0	74.9	10.5	76.5	8.1	24.0	3.2	27.2	5.6	0.9	4.4	1.2	186.2	6.6	5.6	198.4	20.65								
TOTAL	53.2	1.2	84.1	6.3	994.3	156.8	322.8	50.3	313.1	35.7	348.7	163.2	25.3	29.3	9.1	1668.9	188.5	38.4	1895.7	160.23								
Apr-11	SN M	SN F	MSMM	MSMF	MMM	MMF	MC M	MC F	BIM	BIF	BI TOT	BO M	BO F	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board								
Andro	1.2	0.0	11.5	0.3	45.0	6.5	82.2	8.3	22.9	4.3	27.2	14.6	3.0	3.4	0.1	154.9	17.6	3.5	176.0	9.60								
Aroos	1.4	0.0	0.6	0.1	71.1	8.4	1.3	0.4	4.2	1.0	5.2	13.1	5.2	0.2	0.0	83.4	18.2	0.2	101.8	(13.07)								
Cumb	37.6	0.0	15.9	2.6	268.5	48.9	25.3	5.4	86.7	20.0	106.7	1.4	0.0	3.9	2.4	404.2	1.4	6.2	411.8	105.30								
Frank	0.1	0.0	0.8	0.1	6.0	0.7	2.7	0.9	0.4	0.0	0.4	17.6	1.0	1.1	0.3	11.3	18.6	1.3	31.2	(18.17)								
Hanc	2.0	0.2	4.1	0.1	14.9	1.9	14.1	2.9	4.5	0.0	4.5	1.3	0.2	0.8	0.2	40.2	1.6	1.0	42.8	2.97								
Kenn	0.0	0.0	12.4	0.7	94.2	6.6	19.5	12.7	5.3	1.0	6.3	25.8	0.9	9.3	4.4	146.0	26.7	13.7	186.4	(20.37)								
Knox	0.2	0.1	1.8	0.0	50.2	15.9	0.6	0.0	0.6	0.3	0.9	10.6	0.7	0.3	0.9	68.8	11.2	1.2	81.2	(10.33)								
LiSa	0.7	0.1	3.7	0.1	111.5	10.5	16.8	1.0	75.2	4.1	79.3	4.3	0.2	0.6	1.0	144.3	4.5	1.6	150.4	74.80								
MCRR	0.1	0.1	0.5	0.0	4.8	0.9	16.6	0.0	0.7	0.2	0.9	1.5	0.5	0.1	0.0	22.9	2.0	0.1	25.0	(1.07)								
Oxf	0.2	0.1	0.6	0.0	16.6	2.6	0.8	0.5	3.5	0.3	3.8	27.4	4.8	0.0	0.0	21.4	32.2	0.1	53.7	(26.47)								
Pen	4.0	2.4	13.9	0.1	104.0	20.3	2.2	0.3	10.9	3.2	14.1	26.4	9.6	0.3	0.0	147.0	36.0	0.3	183.3	(21.87)								
Pisc	0.2	0.0	0.4	0.1	26.6	4.1	3.0	0.2	17.2	2.7	19.9	1.6	0.2	0.3	0.0	34.5	1.8	0.3	36.6	18.17								
Som	10.8	0.0	7.5	1.8	61.3	8.9	60.2	8.3	61.7	5.3	67.0	5.8	0.8	3.7	0.0	158.7	6.6	3.7	169.0	60.40								
Wal	0.1	0.0	1.2	0.0	5.9	1.0	6.0	0.9	1.8	0.3	2.1	32.2	2.8	0.8	0.0	15.1	35.0	0.8	50.9	(32.87)								
Wash	2.4	0.8	1.0	0.0	34.8	5.5	5.6	0.9	3.5	0.3	3.8	2.8	0.3	0.7	0.0	51.0	3.1	0.7	54.9	0.67								
York	1.4	0.0	16.2	0.1	80.2	16.4	78.5	14.0	34.9	4.6	39.5	4.5	0.4	2.0	0.7	206.8	4.8	2.8	214.4	34.63								
TOTAL	62.4	3.7	92.0	6.0	995.5	159.0	335.4	56.6	334.0	47.7	381.7	191.0	30.4	27.5	10.1	1710.7	221.3	37.6	1969.6	160.33								

Jul-11	SN M	SN F	MSMM	MSMF	MM M	MM F	MC M	MC F	BI M	BI F	BI TOT	BOM	BO F	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board
Andro	1.1	0.0	12.3	0.3	41.7	6.5	62.1	11.0	15.8	2.6	18.5	5.3	0.3	1.3	0.2	135.1	5.5	1.4	142.1	12.90
Aroos	0.0	0.0	0.0	0.0	64.1	4.5	0.8	0.0	1.0	0.1	1.1	27.3	5.7	0.1	0.0	69.4	33.0	0.1	102.5	(31.90)
Cumb	29.9	0.0	10.6	3.0	255.5	52.5	25.8	3.9	69.7	13.1	82.8	0.0	0.0	3.6	1.8	381.1	0.0	5.4	386.5	82.81
Frank	0.2	0.0	1.1	0.8	7.5	0.5	2.8	0.7	0.4	0.1	0.5	17.2	1.4	1.2	0.1	13.6	18.6	1.3	33.5	(18.13)
Hanc	0.9	0.0	4.8	0.0	22.5	1.3	17.8	3.5	2.0	0.9	2.9	2.1	0.4	1.0	0.0	50.9	2.5	1.0	54.4	0.35
Kenn	0.1	0.0	11.4	0.5	107.8	7.0	18.7	10.0	6.7	0.4	7.1	11.3	0.2	6.2	2.4	155.5	11.5	8.5	175.5	(4.42)
Knox	0.7	0.0	1.3	0.0	49.9	15.5	2.6	0.5	5.5	1.0	6.5	9.5	0.1	1.4	0.7	70.5	9.6	2.1	82.2	(3.03)
LiSa	0.3	0.0	4.2	0.2	107.0	15.8	14.8	0.7	60.2	3.4	63.6	2.4	0.4	0.5	0.9	143.0	2.8	1.4	147.2	60.81
MCCR	0.4	0.0	0.7	0.0	5.5	1.1	22.2	0.4	3.3	0.3	3.5	2.4	0.5	0.1	0.0	30.3	2.8	0.1	33.2	0.68
Oxf	0.1	0.0	0.5	0.2	9.2	1.9	0.0	0.0	0.6	0.1	0.7	13.4	3.5	4.8	1.3	11.9	16.8	6.2	34.9	(16.13)
Pen	5.1	0.8	11.8	0.8	96.8	21.2	2.7	0.3	10.8	2.0	12.9	32.1	9.2	1.2	0.2	139.5	41.3	1.4	182.2	(28.39)
Pisc	0.3	0.0	1.4	0.0	29.5	3.8	7.2	0.9	21.5	2.4	23.9	0.5	0.0	0.4	0.1	43.1	0.5	0.5	44.0	23.35
Som	11.9	0.0	6.2	0.3	78.6	7.1	61.6	9.0	87.8	5.8	93.5	4.8	0.2	0.2	0.0	174.7	5.0	0.2	179.9	88.55
Wal	1.1	0.0	1.2	0.1	12.6	2.7	3.3	0.6	3.2	0.5	3.6	27.8	2.6	1.1	0.1	21.6	30.5	1.3	53.3	(26.84)
Wash	1.1	0.2	0.6	0.0	31.3	4.7	3.9	0.6	0.4	0.1	0.5	1.5	0.0	2.0	0.0	42.4	1.5	2.0	45.9	(1.03)
York	0.0	0.1	16.1	0.0	74.9	10.5	76.5	8.1	24.0	3.2	27.2	5.6	0.9	4.4	1.2	186.2	6.6	5.6	198.4	20.65
TOTAL	53.2	1.2	84.1	6.3	994.3	156.8	322.8	50.3	313.1	35.7	348.7	163.2	25.3	29.3	9.1	1668.9	188.5	38.4	1895.7	160.23
Sep-11	SN M	SN F	MSMM	MSMF	MM M	MM F	MC M	MC F	BI M	BI F	BI TOT	BOM	BO F	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board
Andro	0.0	0.0	14.3	0.7	38.7	5.5	94.5	7.1	18.3	1.3	19.5	17.9	1.8	1.1	0.8	160.8	19.7	1.9	182.4	(0.20)
Aroos	0.0	0.0	0.5	0.0	68.9	9.5	3.3	0.2	0.9	1.2	2.1	11.9	4.7	0.4	0.0	82.3	16.6	0.4	99.3	(14.53)
Cumb	39.0	0.0	19.3	1.8	284.1	51.6	30.2	5.7	106.3	18.3	124.6	0.5	0.1	7.3	1.7	431.7	0.6	9.0	441.3	124.07
Frank	1.2	0.0	0.8	0.2	9.9	1.8	3.1	0.4	3.1	0.5	3.6	21.1	3.5	0.9	0.0	17.4	24.6	0.9	42.9	(20.97)
Hanc	2.9	0.2	3.9	0.0	17.4	0.5	20.7	6.1	1.0	0.6	1.6	2.3	0.1	1.0	0.0	51.7	2.4	1.0	55.1	(0.83)
Kenn	0.1	0.0	9.3	0.2	98.0	23.1	19.7	0.2	7.1	5.2	12.2	46.2	1.4	12.1	3.7	150.5	47.6	15.8	213.9	(35.37)
Knox	0.0	0.0	3.5	0.1	43.3	10.6	1.4	0.0	0.3	0.1	0.4	3.4	2.7	0.4	0.2	58.9	6.1	0.6	65.5	(5.73)
LiSa	0.4	0.0	3.2	0.1	120.0	13.4	18.6	2.3	81.1	7.5	88.6	1.3	0.4	1.5	0.3	158.1	1.7	1.8	161.6	86.90
MCCR	0.0	0.0	0.1	0.0	1.9	0.3	19.3	0.0	0.0	0.0	0.0	1.0	0.2	0.0	0.0	21.6	1.2	0.0	22.8	(1.17)
Oxf	0.1	0.1	0.3	0.0	12.2	2.1	0.6	0.0	0.3	0.0	0.3	27.8	1.3	0.0	0.0	15.5	29.1	0.0	44.6	(28.83)
Pen	4.1	1.5	10.6	0.0	105.5	20.6	0.0	0.0	9.0	0.8	9.8	17.5	6.6	0.4	0.8	142.2	24.1	1.3	167.6	(14.27)
Pisc	0.2	0.0	0.9	0.0	30.7	5.2	0.0	0.0	19.6	3.1	22.7	0.5	0.1	0.1	0.0	37.0	0.7	0.1	37.7	22.03
Som	10.6	0.0	6.5	1.2	91.5	9.7	54.5	7.9	79.6	7.0	86.6	5.2	0.2	3.7	1.9	182.0	5.4	5.6	193.0	81.17
Wal	0.3	0.0	0.3	0.0	5.1	1.1	2.2	0.3	2.8	0.4	3.2	31.0	5.2	0.2	0.1	9.3	36.2	0.3	45.8	(33.03)
Wash	1.2	0.2	0.4	0.0	28.8	9.8	2.7	0.4	1.2	2.3	3.5	4.4	0.2	0.2	0.0	43.5	4.6	0.2	48.3	(1.13)
York	0.0	0.0	13.7	0.3	81.4	16.7	82.9	14.1	30.0	4.4	34.4	2.3	0.5	3.7	0.4	209.1	2.8	4.1	215.9	31.60
TOTAL	60.0	2.0	74.0	4.3	955.9	164.9	270.7	30.6	330.5	48.2	378.7	192.2	28.4	29.2	9.7	1562.6	220.6	38.9	1822.0	158.10

Jan-12	SN M	SN F	MSMM	MSMF	MM M	MM F	MC M	MC F	BI M	BI F	BI TOT	BOM	BOF	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board
Andro	0.0	0.0	12.5	0.4	34.5	4.4	75.4	9.5	16.8	0.4	17.3	23.3	2.4	1.1	1.0	136.7	25.6	2.1	164.5	(8.39)
Aroos	1.5	0.0	1.1	0.0	78.0	5.9	0.6	0.2	5.3	0.7	5.9	18.8	6.6	0.5	0.1	87.2	25.4	0.6	113.3	(19.48)
Cumb	34.8	0.3	16.1	1.5	269.2	42.8	23.6	6.1	96.7	17.7	114.5	1.7	0.3	4.7	1.6	394.5	2.0	6.3	402.8	112.48
Frank	0.1	0.0	0.3	0.1	6.1	0.9	4.3	0.5	3.8	0.4	4.3	23.2	1.5	2.5	0.1	12.2	24.6	2.6	39.5	(20.35)
Hanc	4.4	0.0	0.9	0.1	27.1	1.4	21.5	7.7	9.1	0.4	9.5	3.6	0.4	0.8	0.1	63.0	4.1	0.8	67.9	5.42
Kenn	3.1	0.0	3.1	0.9	114.2	4.1	7.5	11.2	13.4	1.2	14.6	33.5	2.4	14.3	0.6	144.1	35.8	14.9	194.8	(21.23)
Knox	0.1	0.0	0.0	0.0	44.2	18.0	0.8	0.0	0.0	0.2	0.2	17.4	0.5	0.1	0.0	63.1	17.8	0.1	81.0	(17.65)
LiSa	2.5	0.0	4.7	0.1	123.5	17.1	27.1	0.6	91.3	9.3	100.6	1.8	0.0	2.3	0.1	175.7	1.8	2.4	179.9	98.77
MCRR	0.0	0.0	0.3	0.0	4.1	0.8	25.9	0.5	0.0	0.2	0.2	1.1	0.1	0.2	0.1	31.6	1.2	0.3	33.0	(0.97)
Oxf	0.3	0.1	1.2	0.0	15.2	2.8	5.4	0.6	1.0	0.1	1.1	28.5	2.4	0.1	0.0	25.6	30.8	0.1	56.5	(29.74)
Pen	6.5	1.1	16.1	0.0	101.6	19.8	2.7	0.3	9.9	2.3	12.2	21.1	4.1	0.0	0.6	148.2	25.3	0.7	174.1	(13.03)
Pisc	1.4	0.0	3.0	0.2	35.8	4.7	1.7	0.2	22.5	2.9	25.4	0.5	0.2	0.8	0.1	47.1	0.7	0.9	48.7	24.65
Som	12.0	0.0	6.1	0.1	91.3	5.9	41.4	10.7	77.4	4.7	82.1	4.0	0.3	3.9	1.1	167.4	4.4	5.0	176.8	77.71
Wal	0.2	0.0	0.2	0.0	7.5	0.6	1.1	0.9	0.5	0.2	0.7	25.8	6.1	1.5	0.0	10.4	31.9	1.5	43.9	(31.16)
Wash	0.9	0.1	0.2	0.1	41.5	9.3	2.8	0.7	0.4	4.6	5.0	2.4	0.1	1.0	0.0	55.5	2.5	1.0	59.0	2.58
York	0.0	0.0	6.4	0.1	69.5	11.7	73.1	10.5	0.6	0.0	0.6	6.5	0.4	1.9	0.0	171.3	6.9	2.5	180.7	(6.32)
TOTAL	67.8	1.5	71.9	3.5	1063.3	150.3	315.0	60.3	348.7	45.5	394.1	213.2	27.7	35.6	6.2	1733.7	240.8	41.9	2016.4	153.29
Apr-12	SN M	SN F	MSMM	MSMF	MM M	MM F	MC M	MC F	BI M	BI F	BI TOT	BOM	BOF	Other M	Other F	In House	Board Out	Other	Grand Total	NET Board
Andro	0.0	0.0	11.8	0.4	31.0	4.6	78.5	7.9	19.7	1.6	21.3	21.4	1.8	2.3	0.3	134.2	23.2	2.6	160.1	(1.90)
Aroos	1.3	0.0	0.6	0.1	71.1	10.8	2.5	0.6	5.5	1.7	7.2	13.1	1.8	0.4	0.1	86.9	14.9	0.5	102.3	(7.63)
Cumb	34.8	0.0	15.4	2.6	270.4	48.3	34.3	7.1	119.3	15.1	134.4	2.1	0.4	11.8	2.9	412.9	2.4	14.7	430.0	131.97
Frank	0.3	0.0	0.5	0.0	8.1	1.6	4.1	0.7	0.3	0.1	0.4	23.4	1.1	1.0	0.6	15.3	24.5	1.5	41.3	(24.10)
Hanc	1.7	0.2	2.2	0.1	12.9	1.7	20.2	6.7	1.8	0.3	2.1	2.2	0.1	1.5	0.1	45.6	2.2	1.6	49.5	(0.17)
Kenn	0.0	0.0	2.6	0.6	111.3	5.0	1.9	11.4	13.1	3.1	16.2	34.8	1.0	12.4	4.2	132.8	35.8	16.6	185.2	(19.63)
Knox	0.7	0.0	0.7	0.2	44.4	15.1	2.2	0.3	2.8	0.2	3.0	12.0	0.7	3.6	0.7	63.7	12.7	4.2	80.7	(9.77)
LiSa	0.6	0.0	2.8	0.0	135.5	11.7	17.1	0.7	86.1	4.0	90.1	2.2	0.5	1.3	0.4	168.4	2.6	1.7	172.7	87.47
MCRR	0.0	0.0	0.1	0.0	1.2	0.2	16.2	0.0	0.6	0.1	0.8	2.1	0.2	0.1	0.0	17.7	2.3	0.1	20.1	(1.57)
Oxf	0.1	0.0	0.6	0.1	14.8	3.6	0.9	0.0	3.4	0.4	3.8	30.5	4.3	0.3	0.1	20.1	34.9	0.3	55.3	(31.03)
Pen	5.1	0.8	9.4	0.0	109.9	25.2	3.9	0.6	9.2	1.3	10.6	19.5	1.2	0.9	0.3	154.8	20.7	1.2	176.8	(10.13)
Pisc	0.0	0.0	3.1	0.1	27.1	3.9	3.8	0.3	21.8	3.3	25.1	1.6	0.2	1.1	0.1	38.2	1.8	1.2	41.2	23.27
Som	14.5	0.0	5.9	0.2	99.3	6.1	46.2	7.5	73.8	4.0	77.8	6.1	0.2	3.0	1.0	179.8	6.3	4.0	190.2	71.47
Wal	0.1	0.0	0.4	0.1	3.3	0.6	3.1	0.4	0.5	0.2	0.7	28.4	2.9	0.8	0.1	7.9	31.3	0.9	40.0	(30.63)
Wash	0.7	0.3	0.8	0.0	28.3	9.6	3.3	0.4	0.0	3.4	3.4	3.5	0.1	1.3	1.2	43.4	3.6	2.5	49.4	(0.20)
York	1.3	0.0	16.0	0.1	79.5	11.9	65.6	12.8	4.8	0.8	5.6	9.6	2.6	5.1	1.9	187.2	12.2	7.0	206.4	(6.60)
TOTAL	61.3	1.4	72.8	4.5	1048.1	160.0	303.7	57.2	362.8	39.6	402.4	212.6	19.1	46.8	14.0	1708.9	231.6	60.8	2001.4	170.90