

**SUB-COMMITTEE OF THE CORRECTIONS WORKING GROUP
REVIEW AND RECOMMENDATION**

to the

CORRECTIONS WORKING GROUP

regarding

AROOSTOOK COUNTY'S PROPOSAL TO DOWNSIZE ITS JAIL

Pursuant to the State Board of Corrections Rule: Chapter 2, Change of Use, Downsizing, or Closure of Correctional Facilities, the Corrections Working Group is required to:

- A. Review and make recommendations to the Board of Corrections with respect to individual facility use and size in advance of the board's consideration of a request for review made to the board by the commissioner of corrections or the county commissioners; and
- B. Prepare a record of recommendation to assist the board in making its decision.

On June 4, 2014, the Corrections Working Group appointed a sub-committee to conduct the initial request for information regarding this proposal, review the proposal, and make a recommendation regarding it. The sub-committee held its first meeting via telephone on June 10, and compiled the request for information to be submitted to Aroostook County. The request was submitted on June 17, 2014, via email, to Aroostook County's attorney with a requested response date of June 27, 2014. Following receipt of Aroostook County's response on June 27, 2014, the sub-committee met on July 1, 2014, to review the submitted information. As a result the subcommittee makes the following recommendation(s):

Date: July 10, 2014

County Jail: Aroostook

Correctional Service Region: Northern

Description of the Proposed Change:

On May 8, 2014, the Aroostook County Commissioners submitted a plan to the Board of Corrections which proposed to downsize the Aroostook County Jail (ACJ). The proposed downsize would reduce the budgeted capacity of the jail from the BOC-approved budget capacity of 72 to 37. The commissioners, in their proposal, indicate that the request to downsize is in response to the requirement to submit a balanced budget for fiscal year 2015 (note: Aroostook County Jail's FY2015 approved budget is \$3,165,599).

Recommendation of the Sub-Committee:

- Approve the Request
- Deny the Request
- None

Details of the Recommendation:

This sub-committee recommends to the Corrections Working Group that the proposal to downsize the Aroostook County Jail be denied. Further, the subcommittee recommends the Aroostook County Jail continue its operation at the State Board of Corrections (SBOC) approved budgeted capacity of 72 with the approved fiscal year budget of \$3,165,599; and that ACJ remain at that funded capacity

until the SBOC can properly evaluate both ACJ's increase in capacity to 123 and its request for additional FY15 funding. Any such modifications will require approval of the SBOC.

In making its recommendation, this sub-committee considered the merits of the proposal as it relates to the specific criteria contained in State Board of Corrections Rule: Chapter 2, Change of Use, Downsizing, or Closure of Correctional Facilities. The following criteria were considered in making a decision concerning the use and size of a correctional facility:

Does the action:

1. *Accomplishes the goals of the Act;*
2. *Meets the needs for bed space capacity and services within the Correctional Service Region in which the facility is located;*
3. *Meets the needs for bed space capacity and services at the statewide level;*
4. *Achieves cost efficiencies and future savings;*
5. *Avoids the need for constructing new correctional facilities;*
6. *Preserves the capacity of individual Correctional Service Regions to address local public safety needs; and*
7. *Implements Evidence-Based Practices.*

As this sub-committee reviewed the information and considered the proposal, the following considerations were made and issues identified:

Accomplishes the goals of the Act:

The purpose of the Board of Corrections is to:

- A. Promote public safety;
- B. Establish a unified, efficient jail system that encourages collaboration among counties, the department and the judicial branch; and
- C. Develop and implement a coordinated correctional system that demonstrates sound fiscal management, achieves efficiencies, reduces recidivism and ensures the safety and security of correctional staff, inmates, visitors, volunteers and surrounding communities.

Further, the goals of the Board must include benchmarks for performance in the following areas:

- A. Recidivism reduction;
- B. Pretrial diversion;
- C. Rate of incarceration;
- D. Standardization of practices, equipment, professionalism of personnel, programs and policies statewide among the counties;
- E. Efficiencies and economies of scale through consolidated purchases of goods and services;
- F. Establishment of regional authorities to promote the goals pursuant to this subsection;
- G. Establishment of common accounting practices, codifications and reporting formats and standardized performance metrics;
- H. Establishment of a common, prioritized long-term capital improvement budget;
- I. Addressing mental health and substance abuse problems among inmates;
- J. Efforts made toward equality in the burden of criminal justice-related costs of the coordinated correctional system on taxpayers statewide; and
- K. Examination and implementation of best practices used at the national level.

When the proposal is examined as related to these purposes and goals, this sub-committee's opinion is that the proposal does not accomplish the goals of the Act. Specifically, the proposal does not promote public safety as it significantly reduces ACJ ability to meet the housing needs of its demonstrated average daily inmate population. In addition it would require increased inmate transportation to and from other county jails. Secondly, the proposal does not encourage collaboration

with other counties, the Department of Corrections (DOC), or of particular importance in this case, the judicial branch as it relates to systemic changes to the way pre-trial inmates are scheduled and managed during the court process in Maine's northern most county. And finally, the proposal does not demonstrate sound fiscal management, efficiency, or a reduction in recidivism. In fact, the proposal is portrayed as ACJ's only option of meeting SBOC flat funding requirement and contains no recommendation for controlling future funding needs. The information received from Aroostook County, as part of this review, substantiates that their proposal does not accomplish the goals of the Act.

Meets the needs for bed space capacity and services within the Correctional Service Region in which the facility is located; and meets the needs for bed space capacity and services at the statewide level:

The proposal is to downsize the Aroostook County Jail from a rated capacity of 123 and budgeted capacity of 72, to a budgeted (and operational) capacity of 37. Using the average daily population of the jail for fiscal year 2014 (ADP = 78), the proposed downsizing would result in approximately 41 inmates needing placement in other county jails. The other county jails in the Northern Correctional Service Region do not have the capacity or the services to house 41 additional inmates. Moreover, the county jails outside of the Northern Correctional Service Region have limited capacity to hold additional inmates, and 41 inmates would likely fill most or all available county jail beds and services in the state. This could result in the SBOC requesting the Maine Department of Corrections provide housing to an increased number of county inmates to relieve the likely capacity burden placed on other county jails if Aroostook County's jail were downsized.

Achieves cost efficiencies and future savings:

The proposed downsizing fails to achieve cost efficiencies and/or future savings for the coordinated correctional system. Instead, the proposal seeks to utilize a budget originally approved for a capacity of 72 inmates for a new capacity of only 37 inmates. The result is a dramatic increase in the cost of housing each inmate in Aroostook County, in addition to the increased costs assumed by other county jails who would house the 41 additional boarders resulting from the downsize. An additional result is the Aroostook County Jail offering fewer services to fewer inmates while other jails would be required to offer services to more inmates.

In addition to not achieving cost efficiency, the proposal does not demonstrate any future savings. While Aroostook County reports they will operate the jail at a capacity of 37 on a budget of \$3,165,599, there is not a demonstrated plan to maintain this budget for this capacity in future years. Instead, the track record demonstrates an on-going request for additional funding in the absence of SBOC approved changes in population or services. Any proposed savings from a decreased need for supplemental funding to Aroostook County would be negated by the increased costs borne by the other county jails impacted by this proposed downsize.

Avoids the need for constructing new correctional facilities:

While a need for constructing a new county jail facility does not exist at the present time, the proposal by Aroostook County does not further decrease this need. Instead, if approved, the downsize may increase any need for a new county jail as the current bed space available would be filled with Aroostook County inmates. At the very least, the need for funding additional beds in current county jails would increase.

Preserves the capacity of individual Correctional Service Regions to address local public safety needs:

As addressed above, this proposal has a negative impact on the region's ability to manage its actual average daily inmate population and simply shifts that burden to the remainder of the coordinated system. Further, as stated in ACJ's request, increasing the need to move prisoners around the system does not promote public safety.

Implements Evidence-Based Practices:

The proposal fails to implement or improve upon evidence-based practices. Specifically, the proposal would result in the reduction and /or elimination of recently-expanded programming options within the Aroostook County Jail, including evidence-based programs.

Additional Recommendations:

This sub-committee recognizes that a denial of Aroostook County's proposal to downsize its jail does not provide the substantive solution needed to address the serious financial and operational issues surrounding the jail at the current time. However, the sub-committee's only task was to review the proposal and make a recommendation.

Accordingly, the sub-committee further recommends that, upon final decision by the SBOC of Aroostook County's request to downsize, the SBOC direct the Corrections Working Group to investigate and work with Aroostook county officials to propose solutions to Aroostook County's financial, capacity, and operational issues. Specifically, the list of issues or activities that necessitate a more in-depth look include but are not limited to:

1. The impact of increasing ACJ's capacity to 123
2. The cause and effect of the apparent lack of coordination with the judicial branch
3. Budget growth and yearly budget shortfalls, wage, overtime, retirement, health insurance increases (13-22% since 2011 with no additional staff since 2008)
4. Review of transportation costs at various capacities: 72, 123
5. Review of Aroostook's tax cap and use of tax anticipation notes
6. Develop an immediate plan of action to sustain ACJ as a vital part of the coordinated system now and in the future

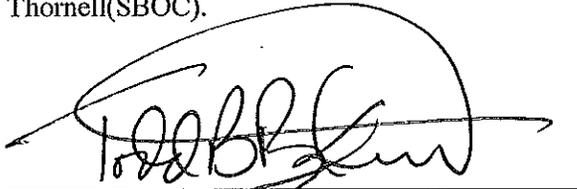
Record of the Sub-Committee:

1. Aroostook County Commissioners' Downsizing Proposal
2. SBOC referral letter to Corrections Working Group
3. Sub-Committee request for information letter to Aroostook County
4. Aroostook County's response to request for information
5. Sub-committee meeting reference material and notes

Submitted by,

Corrections Working Group - Sub-committee:

Todd Brackett(Lincoln), Bill Whitten(Cumberland), Betsy Fitzgerald(Washington), Ryan Thornell(SBOC).



Sheriff Todd Brackett, Chair