State of Maine
Board of Corrections

State House Station #111
Augusta, ME 04333-0111

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FOCUS GROUPS:

Budget
Education
Inventory of Needs
Information Technology
Medical/ Pharmacy
Mental Health/Substance Abuse
Pretrial/Diversion/Reentry
Transportation
Victim Services

January 25, 2011

Senator Garrett Mason
Representative Gary Plummer
All Members of the Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333-0100

Re: One Maine One Taxpayer - Reinventing Maine Corrections

Dear Senator Mason, Representative Plummer and Members of the Joint Standing Committee on Criminal Justice and Public Safety:

Pursuant to 34-A MRSA §1803 (10), we are pleased to transmit the attached Strategic Report of the Board of Corrections.

Since September 2008, our Board has been making significant progress in meeting our statutory mandate to develop and implement a unified corrections system that:

- Demonstrates sound fiscal management,
- Achieves efficiencies, and
- Reduces recidivism.

We call this unified system **"One Maine One System"**.

As Maine continues to face challenging fiscal times, the Board of Corrections focuses this Strategic Report on how our progress in these three broad areas has resulted and will continue to result in reducing the burden on all Maine taxpayers.

We call this theme **"One Maine One Taxpayer"**.

We look forward to working with your Committee in the weeks ahead. Please let me know if we can provide any additional information.

Sincerely,

Neale Duffett
Chair, Board of Corrections

Enclosure

STRATEGIC REPORT

OF THE

BOARD OF CORRECTIONS

January 2011

ONE MAINE ONE TAXPAYER

REINVENTING MAINE CORRECTIONS

REDUCING THE BURDEN

ON ALL

MAINE TAXPAYERS

THEME

Before the creation of the Board of Corrections,

- Maine counties were:
  - Paying for the daily operation of their 15 separate jails with a combined statewide total property tax burden that had been growing steadily over recent years to reach a total of $62.3 million in 2008; and
  - Planning to borrow about $100 million for the capital construction of 4 new jails/major additions that would be repaid (with an extra $50 million in interest) with additional property taxes over the next 20 years.
- The Department of Corrections was facing serious inmate overcrowding and budgetary limitations; as such, DOC was proposing to send 118 inmates out-of-state for confinement at a cumulative annual cost of $2.9 million.

After the creation of the Board of Corrections in 2008:

- The combined statewide total property tax burden to support the daily operation of the 15 jails was capped permanently at $62.3 million;
- The 4 proposed county capital construction projects were canceled; and
- The DOC canceled plans to send inmates out-of-state because sufficient beds became available in county corrections.

If these pre-2008 operational and capital trends had been left unchecked, by the end of FY2013:

- Maine property taxpayers would have paid an additional cumulative amount of $41.7 million to operate the 15 jails from 2009 to 2013;
- Maine property taxpayers would be starting to repay a staggering county capital construction debt of $150 million in principal and interest (about $7.5 million in cumulative yearly debt service); and
- Maine taxpayers would be paying an additional $2.9 million from the General Fund per year to house inmates out-of-state.

Fortunately, since the creation of the Board of Corrections in 2008, all stakeholders have worked collaboratively to **"Reinvent Maine Corrections"** and thereby have **changed the future:**

- Projected increases in county operations costs have been slowed significantly and have been paid for by the General Fund (a net reduction of about $8 million in the tax burden on all Mainers through FY2011);
- Projected increases in DOC operating costs has been slowed (in fact, the DOC budget for adult corrections decreased from $100 million in FY2010 to $96.6 million in FY2011);

- Capital improvements/construction is now viewed as a system responsibility (not state or county) and collaborative planning has begun;
- By starting the broad system-wide implementation of "best Maine practices" in pretrial, diversion and reentry programs, we are starting to slow the need for inmate beds, and thus we plan to freeze the number of inmate beds in the system (1844 county and 2088 DOC) through the FY2012-FY2013 Biennium and beyond if possible.

The pages that follow in this Strategic Report will provide details and context to what has been stated above by focusing on:

PART I **WHERE WE HAVE BEEN**
PART II **WHERE WE ARE NOW**
PART III **WHERE WE ARE GOING**

We believe that:

- The Board has worked effectively to partner with the county and state correctional systems to effect meaningful change that emphasizes the better use of taxpayer money and the better management of personnel and facilities;
- We are well-positioned to continue reducing the burden on all Maine taxpayers (property tax at the municipal/county level and income tax at the General Fund/state level) through the Biennium and beyond;
- Under the theme **"One Maine One Taxpayer"**, the Board of Corrections serves each and every citizen of Maine and we are statutorily and morally responsible to provide ongoing prudent fiscal stewardship.

PART I: WHERE WE HAVE BEEN
FISCAL YEARS 2009-2010

The law that established the Board of Corrections provides a structure for the implementation of a unified correctional system that demonstrates sound fiscal management, achieves efficiencies and reduces recidivism.

The Board is made up of 9 volunteer members, drawn from a broad spectrum of experience across Maine. We are the Commissioner of Corrections, a Maine Sheriff, a Maine County Commissioner, the Commissioner of Professional and Financial Regulation, a town selectman, and four public members including a lawyer/former prosecutor who also is Chair of the Maine Parole Board, the Chief Operating Officer of the Spring Harbor Psychiatric Hospital, the Director of Washington Hancock Community Action, and a practicing lawyer with considerable experience in Penobscot and Aroostook. This diversity has served Maine well; these dedicated members have an ability to step back from individual interests and instead view **One Maine One System** with fresh thinking and an objective view that benefits all Maine taxpayers. In addition, the Board has two dedicated staff: an Executive Director and a Director of Pretrial, Diversion, and Reentry. Our Executive Director has considerable policy, project oversight, program evaluation and fiscal management experience and education to support the Board's work; our Director of Pretrial, Diversion and Reentry has significant experience in Maine's Criminal Justice System and content area expertise. The Board's work is also supported by a broad array of state and county professionals. The Corrections Working Group is co-chaired by a Maine Sheriff and by an Associate Commissioner of Corrections; in addition there are nine focus groups comprised of state and county professionals that work in specialty subject matter areas such as Budget, Information Technology, and Victim Services. The cooperative efforts by all of these volunteers have greatly enhanced the Board's ability to meet its statutory missions.

In 2009 and 2010, much of our progress was in the area of Sound Fiscal Management:

County Jail Budgets Managed

By statute, the Board of Corrections is to set a yearly growth limitation for the correctional services expenditures in each county budget. 34-A MRSA §1803 (1) (A). If a particular county submits a proposed budget that falls below the growth limit, the Board is to automatically approve such budget and forward it to the Legislature. Conversely, if a particular county submits a proposed budget that falls above its limit, the Board is to "review" and "amend" such budget prior to forwarding it to the Legislature. 30-A MRSA §710.

However, given the extremely challenging fiscal situation facing the General Fund in FY2009, FY2010 and FY2011, the Board was aware of the limited amount of General Fund money available to the Board for each fiscal year; this method effectively obviated the opportunity to set "growth limitation" ceilings as contemplated by the statute. In FY2009 the Board was appropriated $1.5 million, in FY2010 the Board was appropriated $3.5 million and in FY2011the Board was appropriated $3.5 million. The Board engaged in fiscal scrutiny (known as "scrubbing") of each county's proposed budgets in FY2009, FY2010 and FY2011 in order to ensure that the essential needs of each county would be adequately funded within the entire pre-set appropriation. Although this process was challenging and lengthy, it has provided the Board the opportunity to became familiar with individual county jail budgets and gain an appreciation for system needs and opportunities. We were able to achieve significant savings while fully funding each counties' essential needs.

For the FY2012-FY2013 Biennium, the Board set the growth limitations contemplated by the statute; the counties have submitted proposed Biennial budgets totaling an initial 14.8 million. The Corrections Working Group is in the process of reviewing these proposed budgets for adherence to the proper procedures and then determining which individual proposed budgets fall above

the growth limitation and thus should be reviewed and amended by the Board if appropriate.

County to County Boarding Fees Eliminated

In its first full fiscal year, FY2010, the Board established a system wide daily "marginal rate" that counties paid when boarding their inmates out to another facility. The marginal rate system equalized costs and eliminated bargaining-for-inmates within the system *for the first time*. In FY2011, this "marginal rate" was eliminated and now the Board funds each county jail budget based on the number of inmates held there (either from that county or from another county in the unified system).

Department of Corrections Prisoners Placed in County Facilities

We addressed the overcrowding in the state system by providing an in-state option within existing resources, at a price tag that is significantly lower than other considered options. After the creation of the Board of Corrections in 2008, the counties and the DOC have collaborated to identify opportunities for cost savings (such as the accommodation of DOC prisoners in available county jail beds). Per Diem rates have been developed individually to meet the real costs at any given facility as reflected in contracts between the DOC and an individual jail.

PART II: WHERE WE ARE NOW

FISCAL YEAR 2011

A. SOUND FISCAL MANAGEMENT

Tax Burden Avoided Since 2008

Because we recognize that there is a lack of consensus about the reliability of the often cited **9%** system annual jail budget growth prior to the Board of Corrections, we use a more conservative estimate for what the county growth rate may have been after 2008 (without the Board of Corrections), namely we assume that county jail budgets would have grown at the statewide county average LD1 growth limit in FY2009 (**4.57%**) and FY2010 (**4.01%**). (FY2011's statewide county LD1 growth limit is not yet available.) The cumulative 2008 property tax burden for county corrections was $62.3 million.

The table below shows that $16.5 million in cumulative property taxes have been avoided 2009-2011, and replaced with cumulative General Fund appropriation of $8.5 million, thus resulting in a **net reduction of $8.0 million in tax burden on all Maine taxpayers through 2011.**

Tax Burden Avoided Through Fiscal Year 2011 (in millions)

	Without Board of Corrections				Cumulative Totals
	2008	**2009**	**2010**	**2011**	
Property Tax Burden at LD1 Growth*	$62.3	$65.2	$67.8	$70.6	
Additional Property Tax Burden Per Year		$2.8	$5.5	$8.2	$16.5
	With Board of Corrections				
	2008	**2009**	**2010**	**2011**	
Property Tax Burden	$62.3	$62.3	$62.3	$62.3	
General Fund Appropriations		$1.5	$3.5	$3.5	$8.5
Avoided Tax Burden					**$8.0**

*Source: LD1county statewide average growth limits from State Planning Office

In addition to the avoided tax burden shown above:

- If the four major county capital construction plans in existence prior to 2008 had not been canceled, yearly debt service payments from the property tax totaling about $7.5 million would have started in FY2011.
- If DOC had been forced to house inmates out-of-state, the yearly General Fund need for this item alone would be $2.9 million.
- The real growth in operating budgets for county facilities and for DOC facilities has been slowed.

Finally, pursuant to 34-A MRSA §1805(5), we report that as of January 1, 2011 the Board's FY2011 Investment Fund has received dedicated revenues plus the $3.5 million pursuant to our FY2011 General Fund appropriation. We have disbursed $1.9 million to county correctional facilities to-date.

B. ACHIEVING EFFICIENCIES

Video Arraignment and Conferencing Capabilities

Recognizing opportunities for cost savings, security benefits and other potential advantages, in the fall of 2009, the Corrections Working Group requested that the Information Technology Focus Group conduct a needs assessment to ascertain what it would take to expand the corrections system's use of video technology. Participants to inform the needs assessment included Focus Group members, representatives from the Courts, Sheriffs and Jail Administrators for each respective site. Site visits served as a mechanism for collecting data needed for the completion of the assessments. Three specific domains for review were:

- Existing Infrastructure;
- Potential for Organizational Change;
- Hardware and Services Needed.

Operational Sites:

These sites have all equipment in place and in use with established protocols.

- Aroostook
- Kennebec
- Lincoln
- Oxford
- Piscataquis
- Sagadahoc
- Somerset (District Court)
- Waldo
- Washington
- York

Sites in Progress:

- Franklin
- Penobscot

Future Sites:

- Androscoggin
- Cumberland
- Hancock
- Knox
- Somerset (Superior Court)

Use of video technology is an example of the Board's effective cooperation with the Judicial Department and with Maine prosecutors.

Transportation

The Transportation HUB Plan uses the Penobscot Jail as the focus point for the northern jails to send and pick up inmates. The plan provides long distance transportation of inmates in Penobscot County Jail vans thereby reducing the need for each of the satellite jails to travel any farther than Bangor.

Boarding Collaboration

Starting in FY2011, the Board of Corrections eliminated the need for county-to-county boarding fees. Instead, each county's correctional services budget is developed and supported to accommodate the number of inmates they are authorized to manage. Viewing all inmates as "system inmates" provides greater system flexibility; by eliminating county-to-county boarding fees, each facility manages the care of all of their inmates the same way. This new system of inmate management streamlines costs and it continues to foster the spirit of **One Maine One System.**

County and State Collaboration

The Department of Corrections contracts with four county jails to house overflow inmates. Currently there are approximately 110 state inmates being held at county facilities. This arrangement yields savings for the DOC (compared with other options), revenue for county jails, and avoids capital construction for the Department of Corrections and Maine taxpayers.

Bed Availability Reporting System (BARS)

BARS is the first ever system-wide Bed Availability, Utilization and Population Reporting System developed to provide actual current bed availability in real time. The system is online and accessible to registered users. It allows any user to view available beds, based on classification. With BARS, the Board can access individual facility or whole system population reports every day, a month at a time, or a year at a time.

Corrections Reporting of Actuals System (CRAS)

CRAS is Maine's new online reporting tool designed to improve financial reporting between counties and the Board. Prior to CRAS, centralized financial reporting was very frustrating; it was manual, inefficient, inconsistent, time consuming, and the risk of data corruption was high as a result of required manual manipulation. The new system, designed by the Board of Corrections Fiscal

Agent, Budget Process Focus Group and the Information Technology Focus Group is web-based, secure, efficient and familiar; it's very similar to the BARS population reporting system. CRAS is easy to use. It defaults to the last unreported month, requires entries for budgeted items only, and allows the user to enter all revenue and expense for the month and submit with a single click. The system has control totals and validation for quality assurance, allows the user to view past months and can be completed each month in about 15 minutes. A yearly view provides rolled values of all months entered for the fiscal year, contains budget data to allow for tracking of actuals, calculates remaining budget and year to date summaries, and all data can be printed out and exported to Excel. With CRAS all data is reported consistently across all locations, manual mistakes are significantly reduced, data is stored in a single secure centralized data base and the information can be easily used for development of reports and trend analysis. Recent Updates and New Features include a "Month 13" adjustment functionality allowing for year end adjustments to be entered, FY 11 budget amounts have been uploaded into the system, and work is ongoing to add a view into the Department of Correction's budget information.

C. REDUCING RECIDIVISM

In order to meet our statutory mandate to reduce recidivism, we obtained a grant and created the Board position called "Director of Pretrial, Diversion and Reentry". Years of experience have shown that when states invest in the three robust systems of pretrial, diversion and reentry, not only does crime decrease but also significant reductions in the cost of corrections will result.

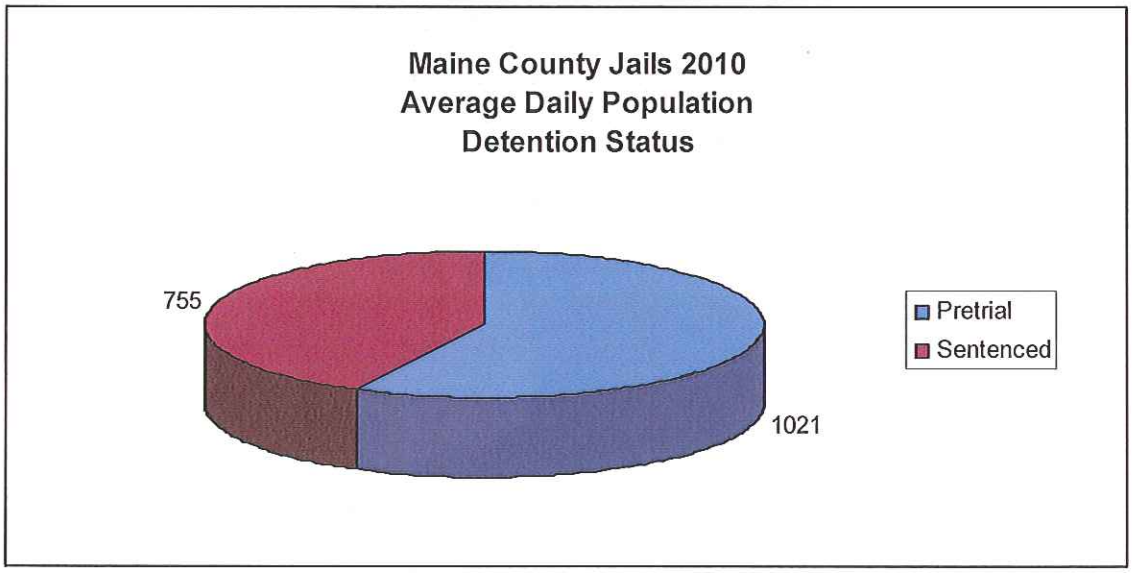
A snapshot of the current status of pretrial, diversion and reentry in Maine follows; and in Part III, we will discuss the future of pretrial, diversion and reentry in Maine.

Most Maine counties operate some pretrial, diversion, and reentry services either on their own or in contract with private, non-profit agencies. It is conservatively estimated that these programs helped to avoid costs of at least $1.4

million throughout Maine in 2010[1]. With continued and expanded investment in these services, the unified system can continue to function within its current available beds through 2013 and beyond if possible.

Pretrial, diversion, and reentry service providers supervise defendants and offenders in the community and monitor adherence to conditions of release set by the judicial officers or county Sheriffs. Additionally, this supervision helps to ensure appearance at court proceedings, promote public safety, reduce unnecessary detention in our county jails, and control correctional costs.

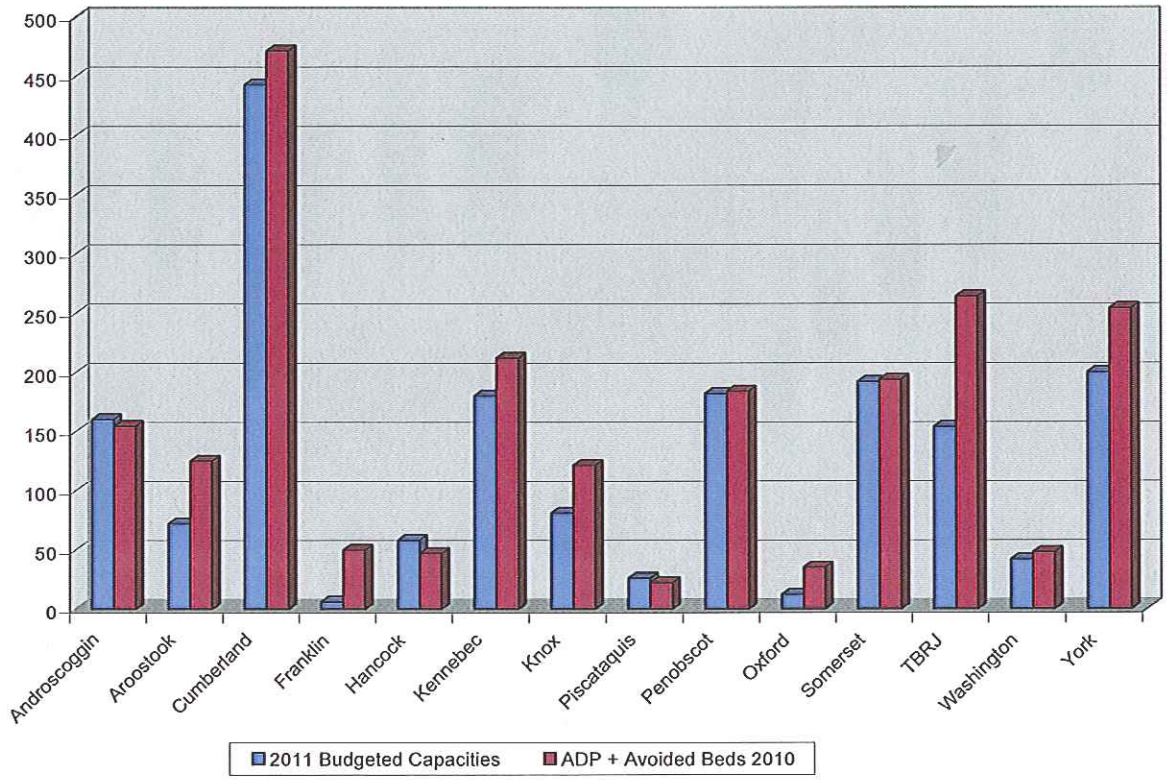
In Maine, more than half (57% in 2010)[2] of detained county jail inmates were on pretrial status, facing criminal charges but presumed innocent, and unable to post bail to secure their release. Throughout Maine, about 370 pretrial defendants are supervised on any given day. For detained pretrial prisoners, access to supervision services in conjunction with or in lieu of a cash/surety bail is unequal. While some counties have invested significant resources to pretrial services, other counties have not had jail overcrowding issues (often the precipitant of these services) and have not fully engaged pretrial services. However, we see system wide expanded use of pretrial services as an opportunity to hold or even reduce the cost of corrections.



[1] Amount determined by calculating the number of bed days out x a rate of $22 per day.
[2] From BARS data, 1/1/10-12/31/10.

Throughout the system, the use of pretrial services keeps about 370 prisoner beds free daily. In many cases, this reduction in jail populations can mean the difference between boarding prisoners out or the need for jail variances. The following chart is a combination of the 2011 budgeted capacities for jail facilities in Maine compared with the average daily population at each facility, plus the calculated number of beds that were not filled due to the use of pretrial and community confinement monitoring services in that county[3]. It should be noted that three counties do not use contracted services: Hancock, Piscataquis, and Washington. Washington operates their pretrial and post conviction services in-house, and every county Sheriff has statutory authority to run his or her own Community Confinement Monitoring (CCM) program. Throughout Maine, CCM services keeps about 30 prisoner beds free daily.

Comparison of 2011 Budgeted Capacities to 2010 ADP and Avoided Beds Combined



It is clear from the above comparison that pretrial and CCM services are vital in order to manage jail populations in Maine. In 2010, system wide, there

[3] Beds saved in 2010 derived from the number of "bed days out" of offenders/defendants divided by 365.

were approximately 400 people not in custody due to pretrial and CCM services on any given day.

Community Confinement Monitoring (CCM) services are available by statute throughout Maine, but not all counties have robust CCM services. Around 30 offenders who are at low to moderate risk of recidivating are on release to live at home, rather than in a county jail, each day in Maine. Furthermore, since the offenders are community based, they can access treatment services unavailable in an institution, maintain a job, and engage in other pro-social environments which benefit the individual and our communities. Violation rates for persons supervised through community confinement programming are extremely low, with only 7 new criminal charges and 13 technical violations in 2010; this equates to more than a 90% successful completion rate.

Comparison of Services in Maine Counties by Type

Average Number of Offenders/Defendants Supervised in Community Daily

County	Community Confinement Monitoring	Pretrial Services	Total of Both Services
Androscoggin	0	28	28
Aroostook	0	40	40
Cumberland	0	56	56
Franklin	1	18	19
Hancock*	0	0	0
Kennebec	7	20	27
Knox	1	40	41
Lincoln	1	27	28
Oxford	1	25	26
Penobscot	14	5	19
Piscataquis*	0	0	0
Sagadahoc	4	24	28
Somerset	1	15	16
Washington*	0	0	0
York	0	54	54
Waldo	2	15	17
Totals	**32**	**367**	**399**

* Any in-house county run programs are not accounted for at this time.

Correctional and rehabilitative programming, whether pretrial or post conviction, can significantly reduce costs system-wide. Throughout the U.S. and in Maine, crime rates have decreased. Recently, Maine crime rates have decreased by 1.8%[4], while the number of prisoners has remained high, which suggests that there is continued room for expansion of pretrial and post conviction release programs. Though Maine has one of the lowest incarceration rates in the nation, implementation of programming and practices can further reduce population rates, and more importantly, these programs can reduce rates of recidivism and reduce taxpayer burdens. Reducing offender recidivism makes the public safer and lowers correctional costs in every area of the system, from law enforcement and court proceedings through jails, prisons, and probation and reentry services.

Pretrial and CCM services are a safe way to alleviate jail overcrowding. In 2010, 70% of individuals under pretrial supervision successfully completed the terms of their pretrial release. Statewide there were only 16 failures to appear for this population, and 115 new cases of criminal conduct. It should be noted that new criminal conduct violations often are minor and can include the charge of "Violation of Bail Conditions." The majority of violations for supervised defendants were for technical reasons such as curfew violations, failing to report as directed, stopping treatment, or having a positive drug test. Overall, these rates are better than the national average for pretrial supervision and indicate how effective and safe this type of supervision can be. In addition, these individuals are often able to maintain employment and their personal residences, key factors that reduce recidivism and improve public safety.

[4] Maine Department of Public Safety. Crime in Maine, 2009.

PART III: WHERE WE ARE GOING
FISCAL YEARS 2012-2013

A. SOUND FISCAL MANAGEMENT

Even More Tax Burden Avoided Through 2013

Using the same methodology used in PART II, the chart below shows the tax burden avoided out through FY2013, namely that $41.7 million in cumulative property taxes will have been avoided 2009-2013, and replaced with cumulative General Fund Appropriations of $30.2 million, thus resulting in a net reduction of $11.5 million in tax burden on all Maine taxpayers through 2013:

Tax Burden Avoided Through Fiscal Year 2013 (in millions)

	2008	2009	2010	2011	2012	2013
Without Board of Corrections:						
Property Tax Burden at LD1 Growth*	$62.3	$65.2	$67.8	$70.6	$73.5	$76.5
Additional Property Tax Burden Per Year		$2.8	$5.5	$8.2	$11.1	$14.1
With Board of Corrections:						
Property Tax Burden	$62.3	$62.3	$62.3	$62.3	$62.3	$62.3
General Fund Appropriations		$1.5	$3.5	$3.5		
General Fund Baseline					$3.5	$3.5
General Fund ** Request					$6.0	$8.8
Avoided Tax Burden						**$11.5**

$41.7 million Additional Cumulative Property

Zero Increase in Property Tax

Total General Fund Commitment To-Date $30.2 million

*Source: LD1county statewide average growth limits from State Planning Office
**Requested pursuant to 34-A M.R.S.A. §1803(1)(A), subject to possible additional review and amendment by the Board of Corrections.

Plus, the annual county debt service payments totaling $7.5 million and the annual DOC out-of-state boarding costs totaling $2.9 million continue to be **non-existent**.

Capital Needs Will Be Addressed on a System Wide Basis

Although four significant county capital construction projects were avoided as a result of the unification of the county correctional system, we do recognize the importance of carefully planned capital investments that respond not to one counties' perceived need but rather to data-driven statewide system needs.

Because of this responsibility, the Board was created with a non-lapsing Investment Fund wherein funds are carried forward into subsequent fiscal years to address capital needs.

In 2008, the counties were collectively paying, for previously existing debt, a cumulative amount of about $10 million in debt service yearly. This amount was scheduled to decrease to zero over a relatively short period of years as the old debt was retired.

Therefore, the law that created the Board of Corrections mandated that the Board request an additional amount from the General Fund for strategic capital investment (often called the "inverse debt service amount" and codified at 34-A MRSA §1803(5)(E)). Essentially, as counties retire debt, the General Fund would appropriate amounts equal to the retired debt payments. For example, if the combined county yearly debt service on old debt decreased from $10.0 million in FY2009 to $7.6 million in FY2010, the General Fund would appropriate the difference: $2.4 million. This General Fund appropriation would go up as the years went by as more and more old debt was retired.

However, due to the difficult fiscal climate since 2008, the Board's inverse debt requests of $2.4 million in FY2010 and $2.5 million in FY2011 were not funded. Recognizing our solemn statutory responsibility to strategically invest in the future, the Board and its stakeholders have carefully managed taxpayer money to create a nascent "strategic investment reserve" for the future. Admittedly, this reserve is smaller that what the "inverse debt" law envisioned and thus our "inverse

debt" request in the FY2012-2013 Biennium is essential to carrying out our statutory responsibilities.

We are asking for $3.7 million in FY2012 and $3.9 million in FY2013 pursuant to 34-A M.R.S.A. §1803(5)(E).

Annual Cost per Inmate by Individual County and State Facility will be Studied

These amounts currently vary across the system. A potential for taxpayer savings exists with further study and possible changes in bed and inmate management.

B. ACHIEVING EFFICIENCIES

Continued emphasis on the efficiencies listed in **PART II** will result in greater savings. Additional opportunities abound to achieve efficiencies if there is a clear vision for the future. In reality, **One Maine One System** is much broader than a corrections system. The more than 3500 inmates in our system represent a multitude of challenges that are not normally discussed in the corrections context, yet these challenges must be addressed.

Not only are we operating a **corrections** system, but we are operating a large **education** system, a large **mental health** system, a **substance abuse** treatment system, a huge **health care** system and a broad **vocational rehabilitation** system.

In the past, each correctional facility has addressed these challenges in differing ways and at differing costs. Across Maine, there exist programs in individual facilities that have been proven to be worthy of recognition. These programs, including excellent pretrial, diversion and reentry programs can serve as models for the expansion of efficient and cost-effective programs across **One Maine One System**.

C. REDUCING RECIDIVISM

The National Center on Addiction and Substance Abuse at Columbia University has determined that the average addicted criminal offender commits more than 100 crimes per year. These are the crimes that destroy a society's quality of life and cause untold social and financial costs. It is estimated that perhaps up to 80% of Maine's incarcerated population have serious substance abuse and addiction problems. Since nearly all criminal offenders will, at some point, be released from the corrections system back into society, the true goal of any corrections system is to "modify and manage" the social behavior of those offenders who are released back to society. There are many tools with which to "modify and manage" behavior; "punishment" by incarceration is certainly one of these valid tools. Investment in meaningful and cost-effective pretrial, diversion, and reentry programs are other such valid tools.

Fortunately, individual correctional facilities across Maine have developed some excellent pretrial, diversion and reentry programs which could serve as examples for statewide implementation across **One Maine One System**. Managing prisoners effectively within institutions is only part of the corrections equation; appropriate pretrial, diversion and reentry services that link offenders with needed community-based services to reduce their likelihood of committing future crimes is essential.

PRETRIAL SERVICES

Definition: Pretrial release programs provide for the supervision and treatment of defendants awaiting trial in the community, rather than in jail.

Standards

The Board is developing Pretrial Standards for Maine. These standards will ensure that pretrial services are delivered uniformly throughout Maine, focusing on maximizing the release of pretrial defendants while maintaining public safety and the presumption of innocence.

The Pretrial Standards are based on nationally recognized standards of quality practice that ensure fair application of judicial principles. The application of these standards statewide will likely reduce the number of defendants held pre-trial, reducing the cost of county jail services.

Pretrial Standards must be accompanied by a structure that provides support and accountability to ensure these practices are fully implemented. Potential options for creation of an accountability system include rewarding top performance or linking funding to implementation of standards. Failure to create such a structure will result in a system that does not act systemically, promotes fragmentation, and fails to maximize resources. Most importantly, a fragmented system compromises public safety and wastes limited resources. As we strengthen **One Maine One System**, it is imperative that these programs work in conjunction with one another following the same basic standards.

Risk Assessment

Risk assessment is a vital part of correctional practices, both pretrial and post-conviction. The Pretrial, Diversion, and Reentry Focus Group has made some progress in improving the capacity throughout the state for the use of validated and meaningful assessments in corrections.

In 2009, Two Bridges Regional Jail was awarded a federal grant to develop a **pretrial** risk assessment tool for use in their area. The project, contracted to Volunteers of America and the Muskie School of Public Policy, has made significant progress this year. Data was collected and analyzed, and a pretrial tool has been created. At this time the tool is being validated by Muskie

and should be ready for use statewide in 2011. Once the tool is validated, the Board will consider mandating this tool for statewide use. The other vendor agency, Maine Pretrial Services, Inc., has expressed a willingness to adopt this tool for use once it has been validated. Pretrial risk assessment tools aid judicial officers in making appropriate decisions regarding release or detention and the setting of bail for defendants, which significantly impacts the population of Maine's county jails. Therefore, it is imperative that the information regarding a defendant's risk of failing to appear, violating conditions of release, and safety to community be made available for judicial officers to make decisions that promote public safety and maintains the integrity of the judicial process. Pretrial risk assessment is one of the fundamental pretrial standards, and a pilot implementation of pretrial risk assessment should occur by the end of 2011, and should be system-wide in 2012.

In the area of reentry and Community Confinement Monitoring, the approved risk assessment tool is the Level of Service Inventory-Revised (LSI-R). This **post-conviction** tool is used throughout many correctional settings in Maine including the DOC, individual county jails, and at the new substance abuse program, the Criminogenic Addiction Recovery Academy (CARA), at Kennebec Jail. In September 2010, the BOC sponsored a training offered statewide to all county and DOC employees by a nationally renowned researcher, practitioner, and scholar, Dr. Christopher Lowenkamp. This LSI-R training resulted in 25 new trainers and 75 correctional personnel trained to administer the assessment tool. This has enhanced the capacity of many facilities to be able to train new employees and to effectively use the LSI-R tool.

The LSI-R assesses risk of reoffending and helps correctional practitioners to develop appropriate case plans that target dynamic risk factors associated with the likelihood of recidivating, such as anti-social attitudes and/or companions, substance abuse issues, employment and education. It also ensures more effective use of existing resources, allowing correctional staff the ability to focus their time on implementing effective interventions and focusing their time with offenders identified to be most likely to benefit from these interventions.

Implementation of the use of risk and needs assessment tools throughout the correctional system is paramount. Individual needs and risk domains of offenders cannot be targeted effectively, and a reduction in recidivism rates will not occur, without the thorough and accurate assessment of offenders. To achieve an accurate assessment of an individuals' risk, complete criminal histories must be obtained. This will be an area targeted for advancement in the immediate future.

DIVERSION

Definition: Diversion programs provide for the "correction" of either non-adjudicated offenders or adjudicated offenders in the community (rather than jail).

The development of practice standards for diversion services will be a focus of the Pretrial, Diversion, and Reentry Focus Group. Diversion services are programs permitted through statute to divert individuals from jail and often predominately fall under Prosecutor or Sheriff authority. Many Sheriffs hold Alternative Sentencing programs for individuals with first/second low-level offenses and for crime specific offenses such as OUIs. These programs often include substance abuse awareness classes and substantial community service components. The Board of Corrections would like to put together an easy-to-access website that would list all Alternative Sentencing programs, contact information, and event dates and locations in a searchable format, so that all interested parties have greater access to and knowledge of available programming.

Some Sheriffs contract for pretrial and post conviction services that include supervision of deferred dispositions. Supervising deferred disposition cases without assessing risk is an area of concern, as excessive supervision of offenders can increase the likelihood of recidivating, and is a waste of limited

resources. The Pretrial, Diversion, and Reentry Focus Group will address these concerns in the development of diversion standards for correctional practices.

REENTRY

Definition: Reentry programs provide for the management of adjudicated offenders being released from incarceration back into society and target a reduction in recidivism as a primary objective.

Historically, county jails have had little funding to provide reentry services to offenders. Reentry services target the risk domains that are strongly associated with continuing to engage in criminal behavior. By targeting those areas, a reduction in recidivism can occur. Currently, three counties are providing reentry services to inmates returning to our communities from incarceration. The Two Bridges Regional Jail has two reentry workers who have assisted more than 70 clients in their transition from jail to community (so far the available outcome data is promising). Kennebec is building a capacity for reentry services for addicted offenders as they transition back to the community. Waldo has been operating a reentry center for about a year, and has been serving both DOC and county inmates. In addition, the DOC operates a effective Women's Reentry Center in Bangor. Each of these four programs represent "best Maine practices" that should be implemented throughout **One Maine One System**.

Finally, the Maine Reentry Network, a statewide collaboration of service providers, county jail administrators, and community based treatment service agencies, has recently been reinvigorated and now has more than a hundred participating individuals and agencies throughout Maine. This collaboration, chaired by the Director of Pretrial, Diversion, and Reentry, has helped to build momentum for reentry services. This Network of highly motivated individuals is poised to help expand the use of reentry services in **One Maine One System,** including the creation and implementation of an assessment tool for system-wide

use which would increase the capacity to collect and analyze data to determine needs of offenders.

The Pretrial, Diversion, and Reentry Focus Group will develop standards for reentry services. These standards will use evidence-based reentry practices and input from all interested stakeholders across Maine. Once implemented, these reentry standards will ensure reduced recidivism and will help to lower the cost of corrections.

CONCLUSION

The Board of Corrections continues to work hard to provide sound fiscal management for Maine's new Unified Corrections System, a system that leverages opportunities for better practices and outcomes, efficiencies and an overall reduced rate of recidivism.