Corrections at a Crossroads

A Report to Cumberland County, Maine

August, 2006

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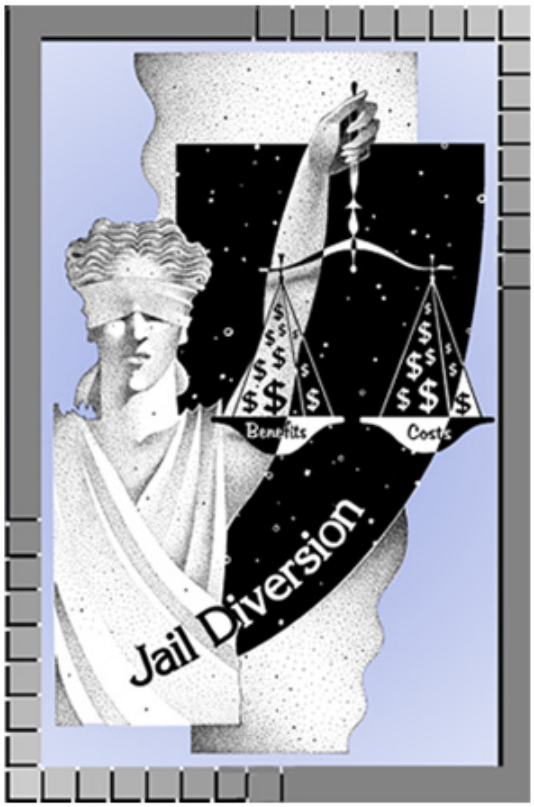
Prepared for Sheriff Mark Dion



by

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Josie LaPlante

Table of Contents

Chapter 1
Introduction

One of the most significant developments in the criminal justice system in the past ten years has been the widespread implementation of initiatives designed to divert people with mental illness and drug addictions away from incarceration and into treatment (Petrila, 2005). In 1992, there were approximately 52 jails in the United States operating diversion programs for people with mental illness and co-occurring substance abuse disorders to treatment and support services; by 2005 the number had climbed to more than 300 (Steadman and Naples, 2005, p. 164). Steadman (2004) credits the "recent surge in jail diversion programs" to federal funding and support from national committees and organizations including the President's New Freedom Commission in Mental Health and the Council of State Governments' Criminal Justice/Mental Health Consensus Project. Steadman notes that the President's Commission recommended "widely adopting adult criminal justice and juvenile justice diversion" strategies to avoid "unnecessary criminalization" and incarceration of non-violent adult and youth offenders. Cumberland County's Divert Offenders to Treatment program was one of the first jail diversion programs funded under the targeted capacity expansion (TCE) program of the Substance Abuse Mental Health Services Administration (SAMSHA), Center for Mental Health Services (CMHS).

The expansion of jail diversion programs, drug courts, and mental health courts has been fostered by the belief that these programs address a pressing policy issue and they will save money. Programs claim to have produced a significant reduction in recidivism and to have saved money while doing it; estimates of cost savings to the justice system—and especially to jails—range from the hundreds of thousands of dollars into the millions. Yet across the country, sheriffs who have implemented programs continue to see their jail budgets continuing to grow. The natural question that arises is "where is the return on taxpayer investment?"

This project was initiated by Cumberland County, with the idea that I could help pinpoint cost savings from the diversion project and develop a model to project savings into the future. Although I agreed to search the literature for information on the costs and benefits of diversion programs and to look at budget trends for the jail, to see whether cost savings had been accruing, I advised Sheriff Dion that it was unlikely that "saved bed days" would translate into budget reductions in the foreseeable future. The reason is simple. Because the Cumberland County Jail has room to spare, an empty bed does not save money. If a jail is filled and the extra inmates must be boarded, then saving a bed saves money. I emphasized that the benefits of a diversion program are many, nonetheless.

Diversion interventions are very complex. They span government systems including corrections and mental health, cross levels of government and jurisdictional boundaries, and involve public, non-profit and private sectors. From an academic perspective, diversion programs are interdisciplary, with treatment interventions encompassing many fields. Evaluating diversion programs requires a range of skills and knowledge. Deciphering the costs and benefits of diversion programs requires specialized knowledge in economics and accounting. Understanding the likely budgetary impacts of correctional interventions is complicated by the peculiar structure of costs in the public sector. A reasonable grounding in accounting and cost analysis is a pre-requisite for reasoning through some of the issues involved with economic evaluation of programs.

While working on this project, it became clear that corrections is at a crossroads in Cumberland County and in Maine. During the past four years, several commissions and committees have deliberated about the corrections system. Many presenters have provided snapshots of budget and corrections system data. Often the data has been aggregated, with the overall trend assumed to apply to all counties equally. Understanding the challenges facing Cumberland County and Maine requires a better

understanding of trends and how they do and do not differ across counties. The costs of state and local corrections has been rising rapidly and will be propelled to a whole new level with two new jails coming on line over the next few years.

This report provides frameworks for thinking about the costs and benefits of diversion programs and other correctional interventions. Some basic instruction is provided in benefit cost analysis and the structure and behavior of costs in an institutional setting. The emphasis is on gaining a working command of tools, so you can use them to help you think through policy options. While it will be tempting to bypass the instruction and turn to the charts and graphs that describe and analyze the current state of corrections in Cumberland County and Maine, the grounding in cost concepts and the benefit cost framework provide an essential and necessary foundation for corrections policy analysis. The report analyzes trends in spending and jail populations and examines in detail the state's role in financing community corrections.

A number of disturbing trends and issues emerge from the analysis, primarily with respect to state laws, policies, and practices. Solutions will require state policy action and a commitment to doing better in the future. It is my plan to adapt this report for a statewide audience, in hopes of promoting dialogue that can lead to meaningful changes and a strengthened state-local partnership for quality justice programs.

Chapter 2
Frameworks for Ensuring Accountability & Social Return on Taxpayer Investments

2.1 Introduction

State budget shortfalls, widespread dissatisfaction with property taxes, referenda that seek to limit tax increases and constrain policymakers' authority to allocate resources, and rapidly growing jail populations are but a few of the many factors contributing to difficult fiscal times for Maine's counties. Because Cumberland County's citizens face some of the heaviest property taxes in the state and would see some of the most severe budgetary impacts were a tax limitation to be enacted, the policy climate is all the more difficult.

Given the fiscal climate in Maine, it is not surprising that voters expect greater accountability for tax dollars and positive returns on tax investments. As policy makers, you live the reality day in, day out. And as you know, the situation facing government officials is especially complex, because the decisions you make affect the quality of many lives and determine who will benefit from public services and who will pay and how much. Not only do you have the opportunity to do great good, you also have the opportunity to cause harm.

In recent years it has become commonplace to hear inflated claims for benefits of proposed programs. As discussed in the introductory chapter, proponents of correctional interventions ranging from jail diversion to drug courts have been offering the carrots of federal funding and cost-savings to induce state and local governments to undertake projects to divert people with mental illness and drug problems from the criminal justice system. Yet budgets continue to grow. While the opportunity to reduce costs usually is not the deciding factor in whether a program is implemented, controlling spending and property taxes is on everyone's mind. You want to ensure that investments of tax dollars are producing a positive return. If undertaking or continuing a program will require an increase property taxes, or prevent another program from being operated, you will want to determine whether there sufficient justification. *How do you sort through the claims and decide what to believe? How do you decide whether it is fiscally feasible to expand community corrections programming? How do you decide whether to develop special services or programs?*

Suppose you had a tool that could help you think through policy options and constraints systematically? How about a tool that would enable you to evaluate claims about cost savings or other purported benefits of program proposals? How would you like to be able to decipher the likely effects of policies and programs and to spot negative, unintended consequences before they occur or while there is still time to turn things around? Now these would be very useful devices! This is where the benefit-cost analysis framework and basic knowledge of cost analysis techniques come in.

Benefit cost analysis (or cost benefit analysis, as it also is called) is a specialized technique used by economists to define a range of benefits and costs, to quantify as many benefits and costs as possible, and to reduce the numbers to a single figure that in theory provides "the answer" to questions about public expenditure decision alternatives. Benefit cost analysis has been criticized for causing policy makers to focus too much on costs and benefits that can be converted to dollar values. Unfortunately, it is a tool that is applied incorrectly as often as it is applied correctly, frequently by people who are "experts". Major problems with studies stem from taking too narrow a view of benefits and costs, or focusing heavily on either costs or benefits, without adequate attention to the other side of the equation.

Policy makers typically have little sense of whether corners have been cut. Some knowledge of benefit cost analysis prepares elected officials and other decision makers to ask good questions about studies, to spot inadequate specification of benefits and costs and faulty assumptions, and to use the best feature of the technique, its information structuring framework. You do not need to be an economist or even "good with numbers" to use the most important tool of benefit-cost analysis, systematic consideration of alternatives. Many policymakers, managers, and citizens routinely utilize an informal, intuitive form of benefit-cost analysis to delineate the pros and cons of an option—usually without realizing they are doing so!

The beauty of the benefit-cost analysis framework is its emphasis on exploring the potential consequences of decisions—good and bad, intended and unintended, quantitative and qualitative. The person or group faced with a choice works through a process of considering carefully all possible positive outcomes (benefits) and all possible negative consequences (costs), from the perspectives of various stakeholders. Even if you go no further than generating a list of legitimate costs and benefits, the approach has served two crucial functions. First, using the benefit cost framework forces people to be specific and candid about their goals and expectations. Second, the process helps to get all the cards on the table, so they can be discussed openly, with tradeoffs considered and debated.

The benefit-cost analysis framework can be used by an individual and is most easily tackled initially through application to a personal choice. However, benefit cost analysis really lives up to its potential when a group of people must make a decision. Policy makers, citizens groups, or managers are great at brainstorming benefits and costs: one idea leads to another, producing a more complete array of benefits and costs. Taking things to the next step—reducing all benefits and costs to a common, comparable unit, i.e., dollars—is the step the numbers wizards love, and the one that is least well developed for analyzing social science problems such as those encountered in criminal justice. While there is some emphasis at present in finding ways to assign dollar values to quantitative factors like the psychological impact of being victimized, this is still a very underdeveloped field (Cohen, 2000). To the extent that benefit cost analysts limit analyses to only those variables that can be monetarized, this is a problem. On the other hand, if we recognize up front that we can not reduce complex issues to a single magic bullet, then we can utilize the decision framing aspects of benefit cost analysis to assist us to structure and guide examination of issues.

Understanding whether and to what extent an initiative like Cumberland County's Divert Offenders to Treatment project is likely to affect budgets requires three types of knowledge. First, you need to think carefully about all the potential benefits that may accrue from a program and all the possible costs, including not just the dollars required to mount the program but also any negative effects, like an increase in victimization that may accompany diversion. This is where the benefit cost analysis framework comes in. Second, a basic understanding of cost accounting is necessary. You do not need to be an accountant! Rather, you must understand some basic cost terms, such as the difference between average and marginal costs, and also a working knowledge of how the structure of costs in some public services like jails and schools affects costs and budgets. This chapter will provide you with the grounding you need. Third, you must have good information about the department(s) affected. Were we projecting the impact of new development on a school district, we would need to know how much space is available in the school: "How many more pupils can be accommodated before expansion is necessary?" If the district is losing pupils, the question would be: "How much will the student body need to be reduced before we can consolidate some classes and scale back?" These are the same kinds of questions facing jails that have growing or declining inmate populations .

The next two sections of this chapter provide you with the basics of benefit-cost analysis and cost analysis, complementary tools that will enable you to critically review program proposals that claim benefits and costs and to decipher the likely costs and benefits of your own policy options.

2.2 Using a Benefit Cost Framework to Evaluate Policy Options

Benefit cost analysis begins with an explicit statement of what you expect to gain from a particular course of action. In other words, you identify the expected benefits of a program. Benefits are the "pros" of the option and include both quantitative and qualitative effects. Next, you will list all all costs associated with an option, even if they will not occur right away. Costs are the "cons" of an alternative and include any required expenditures, plus all potential negative consequences of selecting a particular course of action. Like benefits, costs include both those that are expected to occur soon and those whose impact will be felt further into the future. Also like benefits, costs may be quantitative or qualitative. Once both the benefits and costs of an alternative have been identified, a comparison may be made to determine the "net benefit" of an option. If the net benefit is positive, the project is "worth" doing. As noted in the introduction, trying to convert all benefits and costs to dollar values can be counterproductive. Policy makers are capable of weighing a listing of benefits against a listing of costs, and deciding whether a project is worth undertaking. You really do not need a single number to make your decision.

Benefits and costs included in an analysis are not limited to those that occur within a short time frame, as some studies would have us believe. Instead, benefits are estimated for the useful life of the project and costs projected for as long as they are expected to occur. A bond issue to build a new civic center is a great case in point, because the costs associated with repaying debt will go on for many years, but so will the benefits of the investment. When costs and benefits occur well into the future, a common financial technique called discounting is used to make the two streams of dollars comparable. Rather than comparing unadjusted benefits and costs, benefits and costs that have been discounted to their present value are compared. A "social rate" of discount, a lower rate, may be used when there are many social impacts that accrue well into the future. For example, an investment in a pre-school program for low income inner city kids may not "pay off" fully for decades (Barnett, 1993), but the costs occur in the present. So if benefits have been quantified, a social discount rate may be used to acknowledge the intangible value to society.

It is not difficult to inflate benefits and costs, either by accident or be design. Knowing how to distinguish legitimate benefits and costs from strategic or poorly prepared presentations is important. In addition to meeting the straight face test, the major constraints on the identification of benefits and costs are that they may be counted only once and they must be real, not inflated.

Types of Benefits and Costs

Real Benefits and Costs. When computing benefits and costs, it is important to count only the change produced by the implementation of an option. Gains and losses that are net of the prior circumstance are called "real" costs (not to be confused with "real" used to mean net of inflation). Real benefits and costs must be attributable to program, not coincidental. Real benefits are those that represent net gains, while real costs are those that involve net losses. An example may clarify this concept.

Assume a corrections officer is considering returning to school to obtain a masters degree. Some real benefits of graduate study would include the projected increase in earnings, over and above current earnings, which is likely to occur as a consequence of earning the degree. Some real costs of returning to graduate school would include not only the tuition paid and costs of materials, and also the reduction in income. If the student works part-time while in school, the net loss of income would be computed as the difference between what the student would have earned had he or she remained on the job and what will be earned from part-time employment while in school.

The previous examples of benefits and costs all involve factors that may be assigned dollar values.

Therefore, these quantitative benefits and costs are called “tangible”. In addition to tangible factors, there is another set of real benefits and costs that are more qualitative than quantitative; this class of costs and benefits is referred to as “intangible”. Some intangible benefits of earning a masters degree might include the personal rewards of new learning, increased prestige, and increased self-confidence. Some intangible costs of returning to school might be loss of time with family members and the psychological impact of being away from home several nights per week. Exhibit 2.2.1 gives examples of potential benefits and costs.

Exhibit 2.2.1: Personal Benefits & Costs of Attending Graduate School

Benefits	Costs
TANGIBLE	
✔ Higher expected earnings (amount over and above what would have been earned without a degree). ✔ Access to jobs that require a master’s degree. ✔ Ability to defer payments on undergraduate student loans while in school. ✔ Professional contacts gained while in school and through the graduate school alumni network.	✔ Tuition, fees, books, materials and incidentals. ✔ Cost of living expenses in excess of current. ✔ Child care expenses (above current). ✔ Current and future student loan interest. ✔ Foregone earnings (net only). ✔ Foregone work experience. ✔ Being out of the job pipeline. ✔ Cost of health insurance (the amount that exceeds any previous payment).
INTANGIBLE	
✔ Personal satisfaction. ✔ Increased prestige ✔ Increased self-esteem ✔ The ability to get more out of work, due to increased knowledge. ✔ New friendships	✔ Stress at home. ✔ Possible hostility/resentment from former co-workers. ✔ Psychological impact on student and family of student being away from home several nights per week.

Notice under tangible benefits that some of the items listed, such as professional contacts, may not seem to be quantitative. By estimating the increase in *lifetime* earnings rather than a short term increase in salary, these types of gains can be built into estimates.

Although non-monetary in nature, intangible benefits and costs have "value", just not one to which a dollar tag may be realistically or even ethically attached. When benefits and costs can not be converted to dollars easily, they can be forced to take back seat to tangible benefits and costs. It is very important to recognize that the classification of a benefit or cost as either tangible or intangible does not in any way denote "importance." In fact, it is not uncommon for intangible benefits and costs to be at least as important as tangible effects. Forgetting or ignoring intangible effects can make a policy seem like a good one when it is not, and vice verse. Arguing that certain costs or benefits do not need to be included in a study because they are difficult to quantify can be a liar’s trick. Cohen (2000) revisited benefit cost analyses done by others and found that “if the cost of recidivism *includes* the intangible costs of crime to victims, the benefit-cost ratio [sometimes] goes the other way” (p. 301). Policy makers can require intangibles to be considered, right along side the numbers cards.

Opportunity Costs. Many of the costs listed in Exhibit 2.2.1 will occur only if the corrections officer decides to return to school rather than opting for the next best alternative, staying in his or her current

job. For example, leaving employment to go back to school means the corrections officer will be out of the loop for awhile, missing out on experience that could be gained, word-of-mouth leads on new positions, and other "fall out" from leaving. None of these costs will occur if the alternative option of staying in the job is selected. On the other hand, none of the benefits of returning to school and increasing knowledge will accrue if the officer decides to keep working rather than attending school. When one option is selected over a second option, something is given up. An opportunity cost is a loss that occurs because a particular option is selected over the best alternative option. Opportunity costs are real costs. However, as with any real cost, only the net change is relevant.

Direct and Indirect Costs and Benefits. The objectives of a project or option– that is, why it may be undertaken– determine whether benefits and costs are ***direct*** or ***indirect***. Direct benefits and costs are related directly to the objectives of the project. Direct benefits are the primary or anticipated effects that a program or policy is expected to achieve, while direct costs are the price that must be paid to attain the direct benefits. Higher lifetime earnings, increased self esteem, and new friendships all are direct benefits of choosing to attend graduate school. Tuition, fees, materials expenses and the cost of living that exceeds the amount required when not in school all constitute direct costs. Opportunity costs like foregone experience are both real and direct costs of attending graduate school.

When doing a benefit-cost analysis, it is less important to categorize benefits and costs appropriately (direct, indirect, tangible, intangible) than it is to identify the comprehensive range of potential impacts, good and bad, intended and unintended, and quantitative and qualitative.

Indirect benefits and costs are *secondary effects* that occur in addition to the direct or primary effects. Indirect effects constitute "real" benefits and costs that should be included in the benefit-cost analysis. For example, a pre-school education project may be directed principally towards preparing low income children for school, but it coincidentally reduces criminality in teen and adult years. So the reduction in criminal behavior is an indirect but important benefit. If a project produces negative effects, such as increasing criminal behavior, the value of this very real effect is an indirect cost that must be included in the delineation of costs. Indirect costs often reflect serious impacts on people and places and as such require diagnosis and examination. On the other hand, positive unintended impacts of public programs and choices can make the difference between a project that is not especially beneficial and one that deserves strong support.

Identifying All Costs and Benefits

Policies and programs affect people and their lives. Deciphering the full range of benefits and costs requires the analyst to think about all the potential beneficiaries of a program or policy, and all the people or conditions that may be affected negatively. In the example of the corrections officer thinking about attending school, we were using benefit cost analysis for a personal assessment, so the only beneficiary/payor of concern was the corrections officer. If, however, the county was asked to pay tuition and continue the corrections officer's salary during the school year, the focus would change. Now we would be concerned with return on tax investments. What would the costs and benefits be to Cumberland County taxpayers of paying for a corrections officer to attend school?

The major costs are easy to identify: the charge for tuition and the amount of salary that would be paid in the officer's absence. If a temporary replacement must be hired or overtime paid to compensate for

the leave time, these are costs that must be included. There might be other costs, too. For example, if the corrections officer is experienced, losing him or her for the year could adversely affect operations and place the jail at higher risk. On the other hand, benefits might include having the officer return to work more motivated and knowledgeable. This is one of those situations where the intangible benefits and perhaps even the intangible costs may be more important than the direct outlay of cash required.

Exhibit 2.2.2: Recap of Classes of Benefits and Costs

Direct		Indirect	
Tangible	Intangible	Tangible	Intangible

Coastal Enterprises, Inc. (CEI) in Wiscasset, Maine specializes in financing small, start up businesses called "microenterprises" whose owners do not qualify for traditional bank financing. CEI works with the business owner to prepare and implement a business plan. An evaluation project focused on moving beyond the simplistic "bean counting" of jobs that is the norm in economic development, to consider a much broader array of benefits and costs (see LaPlante, 1996). On the next page, Exhibit 2.2.3 shows a diagram used to identify the expected range of benefits by beneficiaries of CEI's business assistance and "gap" financing programs. Notice that two set of beneficiaries are identified, those who benefit from investments in plants, property and equipment, and those who benefits from the investments in people. While there is overlap, differentiating CEI's investments into the business and the person helped to identify a more comprehensive range of possible effects. A similar method was used to identify costs.

Exhibit 2.2.4 lists some expected benefits and costs identified during focus groups with Coastal Enterprises employees and people who had received assistance from CEI. The recipients "government" and "community and society" have been combined in this exhibit. Notice that many of the expected benefits listed on the left are listed on the right, in the reverse, as costs. When an expected benefit does not materialize, it does not necessarily produce a cost, so not all missed benefits need to be recorded as costs. On the other hand, sometimes expectations about effects are wrong and things go the other way. Some of the anticipated benefits, for example, increased self-confidence and greater self-esteem, might turn out to be costs, such as lowered self-confidence and self-esteem in the face of a business failure. One insight we gained through the study was that some of the females with children who started their own businesses were not happier or more confident at the end of year one, because they were trying to be all things to all people and not succeeding as well as they would have liked.

A review of the listed benefits and costs of the microenterprise program at Coastal Enterprises should lead to lots of ideas about the potential benefits and costs of correctional interventions such as jail diversion programs. While it is usually easy to identify benefits, be sure to also consider costs. For example, increased victimization should always be included as a potential cost of any diversion program. Similarly, a cost is incurred by the harm done to offenders with mental illness or drug abuse disorders who enter drug courts and are sanctioned by placing them in jail.

Exhibit 2.2.3: Identifying Expected Benefits of Coastal Enterprises' Gap Financing Programs

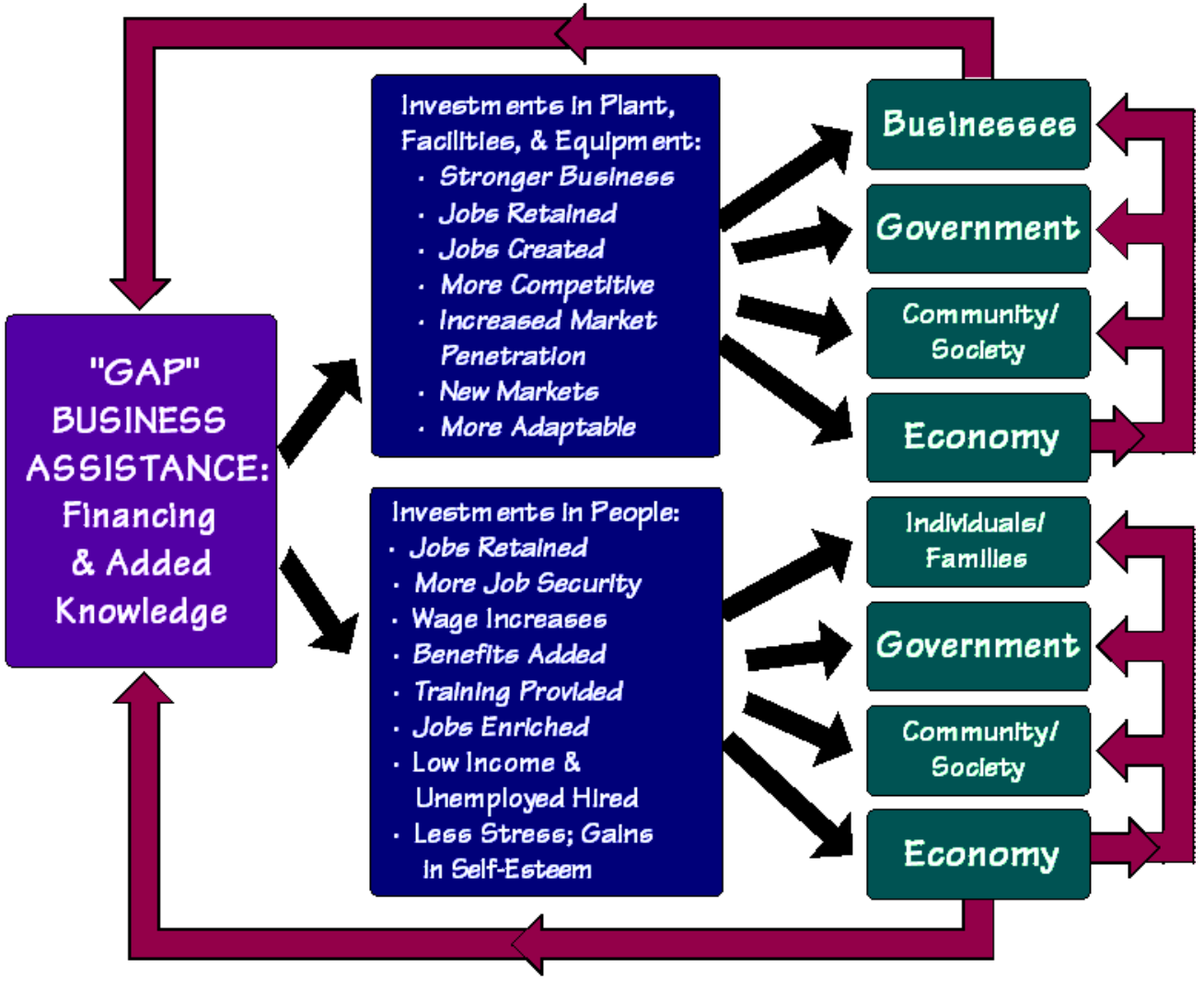


Exhibit 2.2.4: Possible Benefits and Costs of Microenterprise Assistance		
Recipient	**Expected Benefits**	**Potential Costs**
Individual & Family	**Tangible Direct** ● Increased Earnings (net of taxes) ● More Work Hours ● More Job Security ● Fewer Periods of Involuntary P-T Work or Unemployment ● Improvement in Benefits ● Reduced Travel Expense ● Reduced Costs of Daycare ● Improved Health & Well Being **Intangible Direct** ● Greater Self-Esteem ● Increased Happiness ● Acquisition of Skills ● Increased Self-Confidence ● Increased Job Satisfaction ● Increased Chance for Career Advancement	**Tangible Direct** ● Reduction in Income ● Loss of Benefits ● Increased Travel Costs ● Increased Child Care Costs ● Fewer hours of work ● Less job security ● More involuntary unemployment ● Job Destruction/Fewer Job Opportunities **Intangible Direct** ● Increased Stress ● Uncertainty About Future ● Less Happy ● Family Unhappy ● Lowered Self-Esteem ● Lowered Self-Confidence ● Reduced Job Satisfaction ● Less Advancement
Government & Society	**Primary or Direct** ● Increased Business Taxes ● Increased Individual Taxes ● Increased FICA Contributions ● Reduced Spending for "Safety Net" Programs **Direct Intangible (Psychic or Social)** ● Social dynamism ● Stronger families ● Reduced dependency ● Increased social satisfaction **Indirect or Secondary** (Including Multipler Effects) ● Increased Business Taxes ● Increased Individual Taxes ● Increased FICA Contributions ● Reduced Spending for "Safety Net" Programs ● Reduced crime & asocial behavior ● Increased social satisfaction ● More citizen participation ● More vibrant, sustainable communities	**Primary or Direct** ● Job Destruction ● Reduced output in other businesses ● Reduced Business Taxes ● Reduced Individual Taxes ● Reduced FICA Contributions ● Increased Spending for "Safety Net" Programs

Two Common Errors in Tallying Benefits and Costs: Double Counting & Forgetting to Compute Net Benefits and Net Costs

Double counting occurs when the same benefit or cost is counted more than once. Double counting tends to occur because policies and programs often have multiple beneficiaries, as the example of the framework applied to Coastal Enterprises' programs underscores. Wages often are counted as a benefit to an individual and tax receipts to government. If the individual's salary is used as the basis for the

individual benefit, it still includes taxes that will be paid. Attributing the taxes as a benefit to government leads to a double count. So the figures need to be separated, with take-home pay counted as a benefit to the individual and taxes counted as a benefit to government and society. It also is common to include as benefits several overlapping effects, such as higher lifetime earnings, professional contacts, and greater access to jobs. Any overlap needs to be removed to remove the double count and arrive at net benefits.

Failing to consider net benefits and net costs also occurs without double counting. If someone was working previously, the benefit of a new job is the increase in wages, not the entire salary. Similarly, if someone was unemployed previously, starts a business, but still qualifies for Medicaid, the benefit to government is the difference between the estimated amount of safety net assistance that would have been paid and the amount actually paid. On the cost side, if someone is unemployed, starts a business, but then works fewer hours than anticipated, the benefit is less than expected but it is not a cost. In contrast, if the person had been employed full time prior to starting the business but then works only part time, the difference between what would have been earned and what is earned is a net cost.

Distributional Consequences of Policies

A common decision facing government is whether to undertake a public works project like a road or a bridge. The new "third bridge" in Augusta is a good example. Construction of a new road or a bridge alters the spatial demand for services, and as a consequence, affects prices and sales volumes. Businesses along new routes tend to do better, while businesses along old routes lose customers. Economists call a shift of this type a *"pecuniary"* or *"price"* effect in economics. A price effect occurs when a project or policy choice reduces demand for some goods and services and increases the demand for others. When this occurs, one person's gain is offset—at least in part—by someone else's loss. In the case of the new bridge in Augusta, there will have been some price changes that are benefits to one business and costs to another. For example, businesses along Western Avenue may find that they are selling less, because travelers are taking a different route. At the same time, stores at the Civic Center exit may pick up business, because more vehicles are going past that exit on the way to the new, third Augusta exit.

When a redistribution occurs, one person, one group, one county, one state, or one nation gains. At the same time, one person, one group, one county, one state, or one nation loses. Economists try to remain neutral, so they often choose to ignore price effects, and argue that they are irrelevant because a loss offsets a gain. As policy makers you know it is absolutely essential to look at distributional issues and to listen to what people have to say about impacts on their livelihoods. There are other good reasons for considering price effects. First, if nothing else, it is easy to mistakenly include only one half of a price impact, neglecting to record the offsetting price change. This will have the effect of inaccurately inflating benefits or costs. Second, unless the changes are costed out and included in the analysis, there is no way to know in advance whether the price impacts actually sum back to zero. Third, talking about impacts on individuals, groups, and businesses gets the dialogue going. Often, it is during discussions of how a project will affect various stakeholders that a light goes off and forgotten qualitative benefits and costs are identified. Spotting potential problems early lets policy makers design solutions. Recognizing an overlooked cost can make a seemingly good project a "no go", while identifying a neglected benefit can turn the decision the other way. Including all benefits and costs permits computation of a net gain (or loss). Finally, redistribution rarely is neutral, even when the numbers suggest "no net change".

In corrections and health and mental health service provision, policies often have significant impacts on individuals and groups of people. For example, it has been argued that smoking bans in jails and

prisons disproportionately affect people with mental disorders, possibly aggravating their conditions. In addition to considering benefits and costs, sound public sector decision making requires careful examination of the potential distributional impact of policies. *Is there one or more groups that may benefit significantly from this policy? Is there one or more groups who will be penalized or made worse off by this policy? Is it possible to modify a program or policy to reach an underserved group?* Cohen (2000) points out that the neutrality stance of economists conducting benefit cost analyses can lead to underestimation of costs and benefits. For example, if a poor person is victimized, the value of the victimization is lower than for a higher income individual. This is good example of why monetarizing all benefits and costs may take benefit cost analysis to a place to which policy makers may not wish to travel. Like any tool, we need to understand its uses and limitations.

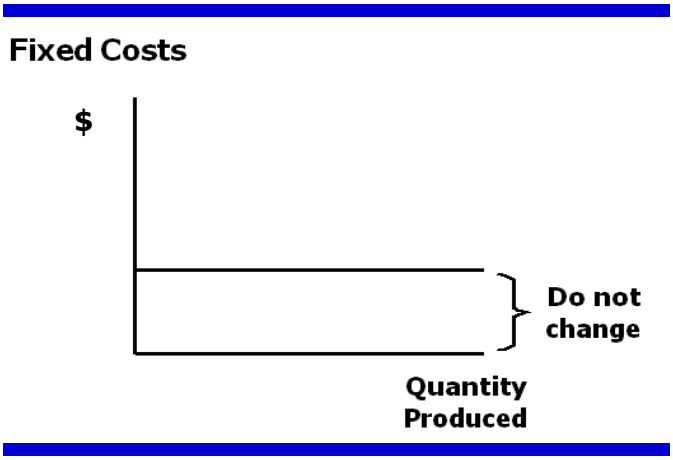
A Look Ahead

This short introduction to benefit cost analysis is intended to familiarize you with the terminology and key concepts of benefit cost analysis, to prepare you to critically examine studies done by others and to utilize the framework to structure evaluations and decision making. The framework offers significant benefits for policy makers and other groups who wish to brainstorm about the expected impacts of programs and the potential for unintended effects, both good and bad. It can be especially useful when a funding decision needs to be made about a program, because the intangible costs and benefits may tip the balance. To assist you with reading and working on benefit-cost studies, two guide sheets are provided as an appendix to this report. The first covers steps in a benefit-cost study and the second provides a checklist you can use to review your own work or work done by others. Now we will move on to cost analysis and consider a complementary set of concepts.

2.3 Cost Structures and Cost Behaviors

There are a variety of types of costs, as the exhibit on the next page highlights. It is important for public managers and elected officials to gain a working knowledge of costs, because the various types of costs affect budgets differently and may constrain greatly policy and management choices, especially in the short term. Just as importantly, misunderstanding or over-simplifying "costs"—as though there is just one type—can lead to expectations for cost savings when they are unlikely to occur, or to implementation of policies that unintentionally penalize or reward select stakeholders.

In the case of a jail, the structure of costs is quite different than the traditional textbook view, and the behavior of costs—how they change in response to changing conditions—differs, too. Many misconceptions exist about the potential for "cost savings" from correctional interventions. Understanding the cost structures that face criminal justice programs of different types will enable program planners and public officials to decipher whether and how an initiative is likely to avoid costs, thereby saving money. Used with the benefit cost framework, this knowledge facilitates a comprehensive view of an option.



Types of Costs

Fixed and Variable Costs

Fixed costs are expenses that do not vary with increases or decreases in the amount of service provided. Fixed costs include prior financial commitments that obligate

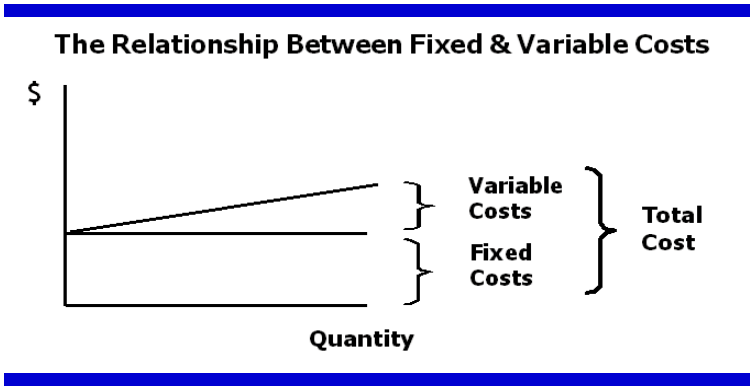
resources, such as principle and interest payments for debt. Think about a small walk-in health clinic, staffed and ready to receive patients. The clinic faces a variety of fixed costs like the lease for the facility, heating, and repayment of loans for equipment, *whether they see one patient in a day or thirty*. Jails face a similar situation: when a new jail opens, whether one or one hundred of the available beds are occupied, debt must be repaid, the facility heated, and at least a base set of lights operated.

Variable costs are expenses that are incurred as a result of delivering service to one recipient or producing a single unit of a product. No variable cost is incurred if no service is delivered or product produced. In manufacturing, "inputs" like raw materials are a variable cost, because the amount required depends on the number of units that are being produced. In services sectors, supplies consumed as part of providing a service to one recipient (e.g., lab supplies), travel and gasoline for vehicles, and other expenses that relate directly to each unit of service provided are variable costs. In a jail, food and incidental expenses incurred for each inmate are variable costs.

There are two ways to compute **total cost**. First, total cost is the sum of fixed and variable costs:

- **Total Cost = Fixed + Variable Cost**

This is the most common way of conceptualizing costs and is useful for analyzing the potential cost savings from programs or for figuring out why per inmate costs are higher or lower than expected, so we soon will delve further into these concepts. The model portrayed at right depicts the relationship between fixed and variable costs, and shows how they combine to form total cost. Notice that the fixed cost line does not change as quantity increases, while the variable cost line increases.



Direct and Indirect Costs

A second method for computing total cost considers the combination of direct and indirect expenses.

- **Total Cost = Direct + Indirect Costs**

Direct costs are incurred because a service or program is offered. For example, the salaries of the jail manager and correctional officers are direct costs. Indirect costs, which sometimes are called "overhead", are a necessary component of offering a program, but they typically exist to support the functioning of a larger organization first and the program second. Administrative functions like the county manager's office, finance, and personnel services are examples of indirect costs that support the operation of the Cumberland County Jail. In addition, the Sheriff's Office supports the operation of the jail and is a second layer of indirect cost. Both direct and indirect costs involve fixed and variable costs, so they are a complementary and broader method of measuring cost. This alternative view of costs has become increasingly important in public and nonprofit agencies seeking to recover all costs of providing service, whether through a fee for service or charges to a grant or contract.

Indirect costs often involve little"avoidable" cost, which is the ability to save money if a program ceases operation. However, while some indirect costs may not be avoidable, it is important to

Exhibit 2.3.1: Cost Terminology

AVERAGE (UNIT) COST = Total Cost ÷ Number of Units of Service Provided. For example, the average annual cost of housing an inmate in jail is equal to total cost divided by the numbers of inmates.

AVOIDABLE COST: A expenditure that can be avoided when a program or policy is changed.

CAPACITY: The maximum number of persons/households/businesses who can receive services during a specified time period, for example, the maximum number of inmates a jail is designed to hold.

CAPACITY UTILIZATION: The percentage of capacity being used. For example, when a jail designed to hold 500 inmates is housing 400, the capacity utilization is 400/500 or 80%. Capacity utilization may be greater than 100%, for example, when a jail is housing more inmates than it is designed to accommodate.

DIRECT COSTS: A cost is incurred because a service or program is offered, e.g., the salary of a jail manager.

DISECONOMY OF SCALE: Increased expense or higher unit costs that accrue from the scale of operations. Diseconomies tend to plague small scale operations and facilities, but also occur when scale is very large.

- Higher capital costs plague small scale *facilities* at the time of construction or renovation because there usually is a "threshold" cost for the architect, laying the foundation, for example.
- Higher unit operating costs plague small scale *operations* due to the need to achieve a threshold level of activity if the service is to be provided at all (e.g., one teacher, place for learning.)
- Very large scale operations may be less efficient than their smaller—albeit still large—counterparts due to the breadth and depth of operations, which often requires additional mid-level personnel to span the gap between top managers and staff.

ECONOMY OF SCALE: Cost savings or a reduction in unit costs achieved by having a larger operation.

- Savings of capital costs may accrue at the time of construction or renovation because the marginal cost of purchasing more of the same declines.
- Savings on operations may accrue from dividing direct expense and overhead over more units of service and from discounts for bulk purchases.

FIXED COSTS: Costs that do not change when there is a change in the quantity of goods or services provided, for example, a monthly car payment.

INDIRECT COSTS: A cost necessary for the functioning of the organization as a whole, such as administrative functions like finance and personnel services. Indirect costs may be divided among programs and services on the basis of an accepted allocation base, for example, budget size.

MARGINAL COST: The cost associated with a given unit of service provision. For example, the marginal cost of each additional inmate coming into a jail is any additional expenditure required to accommodate that person.

SCALE OF OPERATIONS: The size of a facility and/or the magnitude of programs.

- ✓ With respect to facilities, scale is a combination of the *number of facilities* and the *size of each*.
- ✓ With respect to programs, scale refers to the span of operations, for example, the numbers of teachers and pupils per school superintendent or the number of inmates per jail manager.

SEMI-FIXED COSTS: Costs that do not vary *in the short or intermediate term* with increases or decreases in the amount of service provided, for example, teaching or correctional staff.

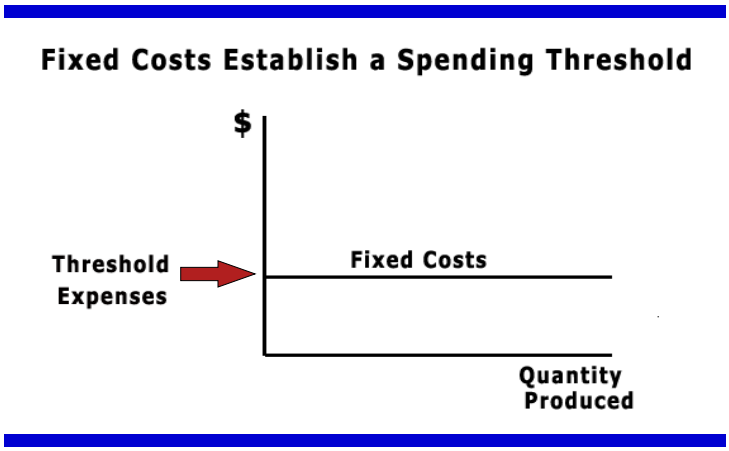
TOTAL COST = Fixed + Variable Costs or **TOTAL COST** = Direct + Indirect Costs.

VARIABLE COSTS: Costs incurred in the process of producing one unit of a product or providing service to one person, for example, tongue depressors and disposable gloves used in a health clinic.

recognize that large programs generate the need for overhead spending. When a program has been operating for a long time, it may not be obvious that the staffing levels are higher because of the program. When a new program is started, the addition of administrative staff will be more visible.

Because a jail often is the largest component of county spending in Maine, a large share of indirect costs are attributable to supporting the functioning of the jail. A procedure called a "cost finding" may be used to allocate Indirect costs to the various services and programs in government, using an accepted basis for allocation. Budget size is the most common method used to allocate costs: the costs of the county manager's office and the budget office, for example, would be allocated to the jail based on the jail's percentage of total county wide spending. Similarly, the jail budget's percentage of the Sheriff's budget could be used to allocate the department's administrative expenses.

Threshold Spending



When a decision is made to offer even one unit of service, organizations must spend at a minimum level if the program is to operate. For example, a small health clinic may need to rent or purchase a facility, furnish exam and waiting rooms, and purchase basic supplies and equipment. Similarly, a jail or a school will need a building, furniture, and equipment. Rent, debt, telephone, heat, lights, and other spending required to run a facility need to be paid, regardless of the number of people served. These fixed costs of operations establish a **spending threshold**, as the diagram at right shows.

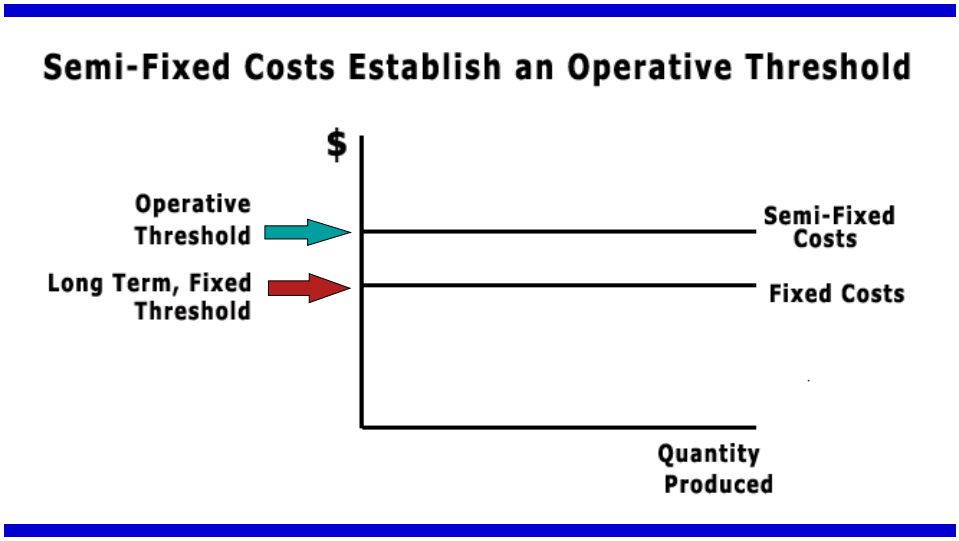
Semi-Fixed Costs and the Operative Spending Threshold

In some public and private services, the threshold established by fixed costs is only the beginning of the minimum cost that must be incurred if a service is to operate. When services may be delivered to a group of people at the same time, a minimum staffing complement is required. Think about a commercial airline: if an airplane is to fly at all, a pilot and a base crew must be on board. Because the minimum crew is required whether one person or one hundred people fly, it is a *semi-fixed* cost.

- **Semi-fixed** costs can not be varied in the short or intermediate term in response to changes in the amount of service provided.

The distinctive characteristic that makes the cost structure of airlines, public and private schools and colleges, jails, prisons, and even police and fire departments different from the typical business is ***collective consumption***: one person provides service to many consumers. Think about common government functions like police, sheriff, and fire departments. These public services must make a high investment in equipment and often acquire buildings. In addition, they must staff for readiness to provide services. For example, the bare bones operation for a sheriff's office may include the sheriff, a deputy, and a dispatcher. If the department is to operate 24-7, a minimum of 5 officers will be required. This staff complement must be present—and ready to provide service—whether there are calls for service or not. If there are no calls for service, the department is not able to send the officers home, thereby saving money. Sheriffs in Maine have experienced this issue when approached by towns seeking additional patrols but who are unwilling to pay what the sheriffs know is a fair price.

As the exhibit on the next page illustrates, the semi-fixed component of the cost structure of these kinds of services establishes a secondary and **operative threshold** for spending.



Whether one person or many are served, the operative threshold is the minimum expenditure required if there is to be *any* service. The impact of semi-fixed costs is even more pronounced when service provision is linked with a large facility like elementary and secondary schools, colleges and universities, jails, and prisons. Not only are services provided in chunks, there is an unusually high fixed cost component. Jails and schools face some variable costs, but these expenses tend to be small relative to fixed and semi-fixed expenses. For example, personnel costs tend to run between 65% and 80% of the total expenditure of jails. Because the operative spending threshold is so high, the *marginal cost* of providing service is low.

Marginal cost is an expense associated with a given unit of service provision.

- ✔ The marginal cost of one additional offender brought to a jail is any additional spending required to accommodate that specific inmate.
- ✔ The marginal cost reduction of diverting one person from the jail is the added cost that would have been incurred, had that person been housed at the jail.

Marginal costs are the appropriate cost measure to use when figuring out whether a program will save money and how much a program will cost. The fact that marginal costs are so low is the reason small diversion programs do little to reduce jail spending. Most studies of correctional interventions have used average cost instead of marginal costs.

Average or "Unit" Costs

Average cost is equal to total cost divided by the number of units of service or goods produced.

- ◆ **Average or "Unit" Cost = Total Cost ÷ # of Units of Service Provided**

For a jail, the average or unit cost is the per inmate expenditure: total expenditures divided by the average daily population. Often, annual per inmate expenditures are converted to a per diem amount by dividing the annual average cost by 365 days. An average for a school is the per pupil expenditure: total expenditures divided by the number of pupils.

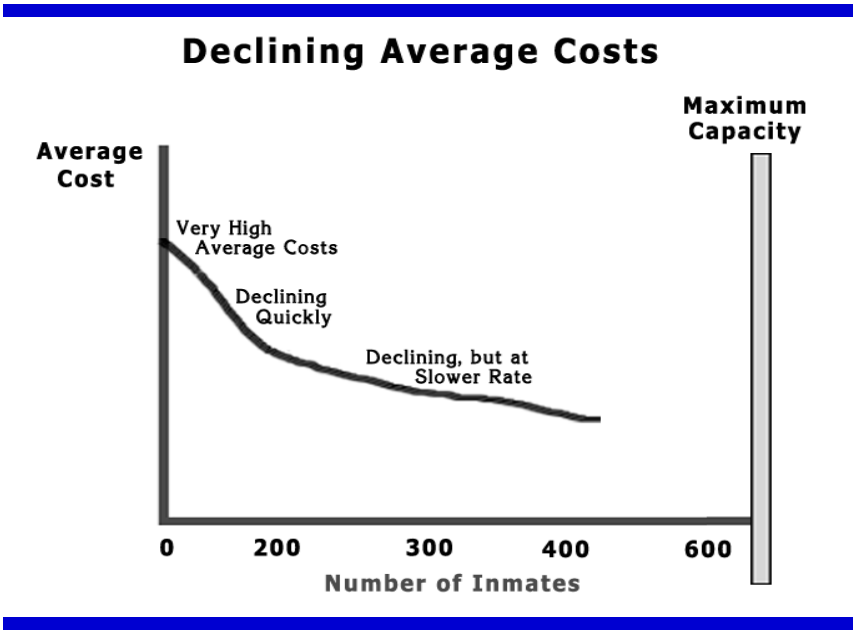
The magnitude of the average cost depends on several factors. First, facilities and programs face a set of input and situational factors called "cost differences" that affect the operating expenses. Cost differences include the cost of living in the area that affect salary levels, rents, and other inputs, heating and cooling conditions, and the age of the facility, among others. A second factor that affects the cost of running a jail or a school is its "scale". Scale refers to the size of the facility and/or the magnitude of operations. The two dimensions of scale may be clearer if you think about a school district. Assume a district is very small, but it uses only one large building and one teacher, who serves as the principal and superintendent. The district makes up for a lack of overall, district level scale by consolidating activities into a single facility under the supervision of one person with a broad span of responsibilities. In contrast, a large school district may sacrifice the benefits of its large scale by using many small schools and many administrators.

Larger facilities that are not excessively large can tap into ***economies of scale***. Cumberland County's jail has the advantage of being large, without being so large that it incurs the higher costs associated with very large scale. ***Diseconomies** of very large scale* emerge because the optimal point of operations is exceeded, requiring more layers of supervision, more specialized staff, and more boundary spanners to interface between the many levels of the organization.

Small jails also face higher unit costs, but these are due to *diseconomies of small scale*. The 1999 Census of Jails conducted by the Bureau of Justice Statistics found that Maine's jails tied with Alaska for the lowest inmate to correctional officer ratio in the U.S., with only 1.8 prisoners per correctional officer compared with a national average of 4.4.[1] To avoid the high unit costs associated with small scale service provision, programs often are limited.

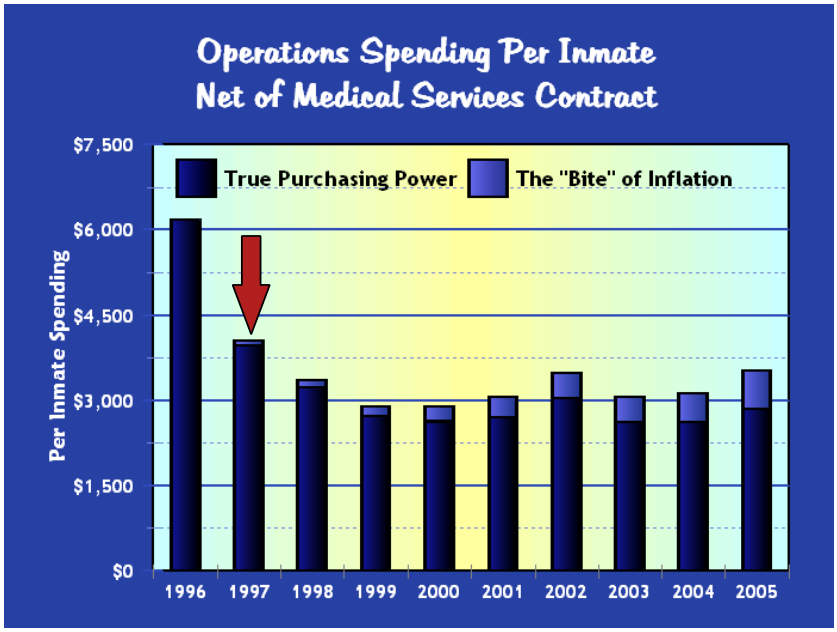
A third key influence on facility costs is the percentage of the program's or facility's capacity that is being used, which is referred to as its **capacity utilization**. As the next diagram illustrates, as utilization of capacity increases, average cost declines. Notice that the rate of decline tapers off as more and more people are added to the facility. In general, the more people served within the existing capacity, the lower the average cost, but the initial "returns to scale" are the greatest.

Think about a jail that can hold 600 inmates. Assume on opening day that there is only one inmate. The average cost is equal to the total budget divided by one inmate! When a second inmate arrives, the average cost drops by 50%. When inmate number three arrives, the average cost takes another drop, because now the budget is divided by three. As more inmates are added, the average cost will continue to decline, *but not as rapidly*.



[1] Sourcebook of Criminal Justice Statistics Online data set: http://www.albany.edu/1995/t198.wk1.

Declining average costs often can be observed by graphing budget data on a per inmate basis. The graph shown on the next page, which is borrowed from Chapter 4, traces operations spending trends for the Cumberland County Jail, from 1996 through 2005. Notice the sharp drop in per inmate spending that occurred between 1996 and 1997, when the number of inmates increased from fewer than 200 to about 250. The decline in per inmate expenditures continued as the average daily population increased, but the downward trend was less steep than between 1996 and 1997.



In 2001, the Bureau of Justice Statistics reported that per inmate spending in Maine's state prisons was the highest in the United States (Stephan, 2004). Since then, the number of inmates has increased greatly, increasing the utilization of capacity and reducing the average cost.

Discussion

Before proceeding with a few more useful concepts, let's place the claims of cost savings made by jail diversion programs into perspective. It is frustrating for sheriffs and other public officials to be promised cost savings from diversion programs that never materialize. The claims are based on some faulty assumptions and use of average rather than marginal costs.

Without actually thinking about it, many people assume that all costs are variable. In education finance, the idea of "an equal number of dollars behind each pupil" has come to signify "equal educational opportunity" in the minds of many. It is common for states to provide school aid based on the number of pupils to be educated multiplied by the statewide average cost of education. When the amount of state aid is small, this may be an efficient means of distributing funding. However, when districts become dependent upon states to help them offer adequate education programs, the lack of recognition of the need to meet an operative threshold expenditure can lead to serious underestimation of spending needs. Other issues arise from the average cost approach. The per pupil allocation method assumes that each time a district adds a pupil, they will need to spend the foundation amount. Each time a district loses a pupil, the state assumes they may reduce spending by the foundation amount. In Maine, using a funding approach in which the dollars follow the child has promoted sprawl, because school districts that are gaining pupils see larger portions of their budgets subject to state subsidy. Meanwhile, the rural and urban districts that are losing the pupils see smaller and smaller portions of their spending subject to subsidy by the state's general purpose education aid formula. Essentially, the funding approach assumes a teacher can be whittled down as pupils depart the district.

The claims for cost savings from diversion programs are based on the same logic: it is assumed that

each time a jail "loses" an inmate, the average daily cost of housing one inmate is saved. The assumed daily savings is then multiplied by the estimated number of days the diverted offender would have spent in jail. While the derivation of the estimated number of jail days averted often is questionable, the assumption that an empty bed saves money is the essential flaw. As noted earlier, marginal cost is the appropriate measure of the impact of increasing or decreasing the jail population by one person. However, marginal cost data is not always available (or analysts do not know they should be using marginal costs), so average cost is used instead.

When an inmate is not incarcerated, the average cost increases for the remaining inmates. If an average cost approach is used, according to benefit cost analysis methods a net cost should be computed. The cost saved by diverting one individual would need to be presented *net of* the increased average cost of those left in jail. There are likely to be some variable cost savings, such as a reduction in spending for prescriptions, but these are difficult to estimate due to the "*what ifs?*" involved. Some variable costs that might seem to offer savings, like food, may not produce any savings. When large numbers of meals are prepared in institutions, one or two fewer inmates does not reduce the cost of the meals, it simply lets someone else eat more or produces waste.

Pricing methods used in the health care sector another factor contributing to the use of average costs to project savings from diversion programs. Hospitals need to cover their fixed costs, so they estimate the likely number of patients and decide how much each will need to contribute towards coverage of threshold costs. Then, depending on the specialized equipment used, the patient may face another contribution towards fixed costs. Finally, variable costs associated with treatment are added to the patient's bill (each tongue depressor, aspirin, etc.) to arrive at a total cost. Since this is how bills are determined, many health researchers use the same process to estimate *cost savings from not being hospitalized*. Depending on the point of view, the method may make sense. The individual or the insurer does save money when hospitalization is avoided or reduced; this is the basis for managed care. What is crucial to realize however, is that the hospital saves little or no money when a potential patient is diverted from the hospital. Unless the hospital bed can be filled with another paying patient, the average cost of treating everyone else increases and the hospital faces running in the red. The jail is like the hospital: the empty bed saves little, and unless the bed can be filled, the average cost for all other inmates increases.

Cost savings occur in the short term in the form of reductions in overtime payments and wages for part-time workers. In the longer term, cost savings come in the form of averted spending: not needing to expand a facility or build a new jail. In contrast, smaller programs usually do not make enough difference in the average daily population of a jail to avert costs. However, by reducing crowding, a small reduction in population can make a big difference in other, less immediately visible ways.

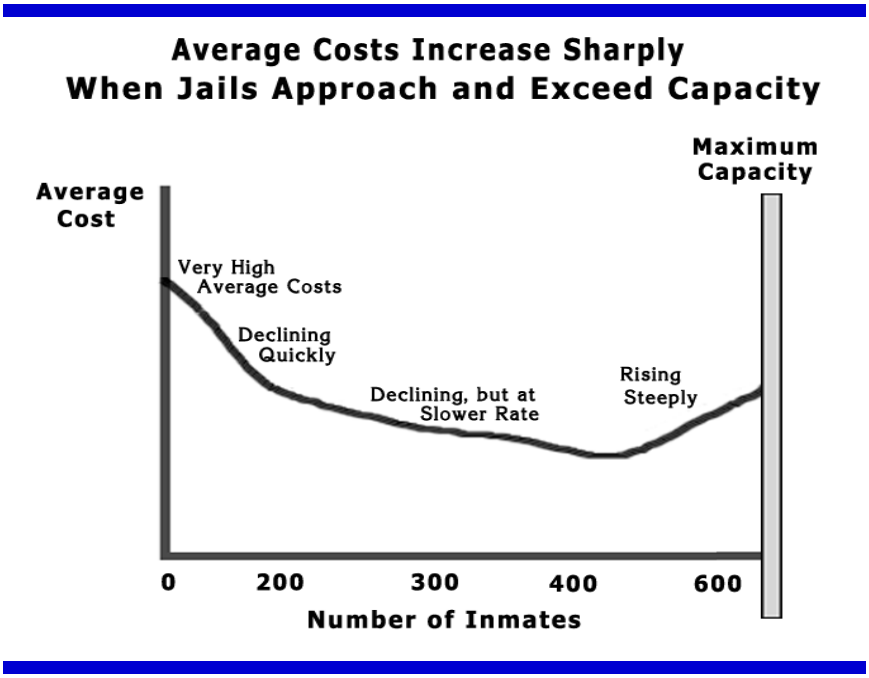
The Benefits of Reducing Jail Crowding

Reducing crowding has significant benefits, even when the reduction in population is comparatively small. When a jail is full, reducing the population by even a few people can change the environment from risky to manageable. The benefits may be even greater if the population reduction occurs through the diversion of people with mental illness and addictions, who are more difficult to manage, more likely to be victimized, are more at risk for suicide. Lamb and Weinberger (1998) reported that corrections officer rated having people with mental illness in jails and prisons as the second most serious workplace problem, after overcrowding.

Crowding brings many other costs that may or may not be reflected directly in current operating

expenditures. For example, crowding has been associated with an increase in use of sick and other paid leave time by correctional staff and more injuries of officers on the job. Griffin (2006) reports that next to police officers, corrections officers have the second highest rate of non-fatal violent incidents. Inmates are at greater risk In crowded conditions for injuries, homicide, and suicide. Hospital visits, psychiatric assessments, medication expense, and other variable costs can increase rapidly.

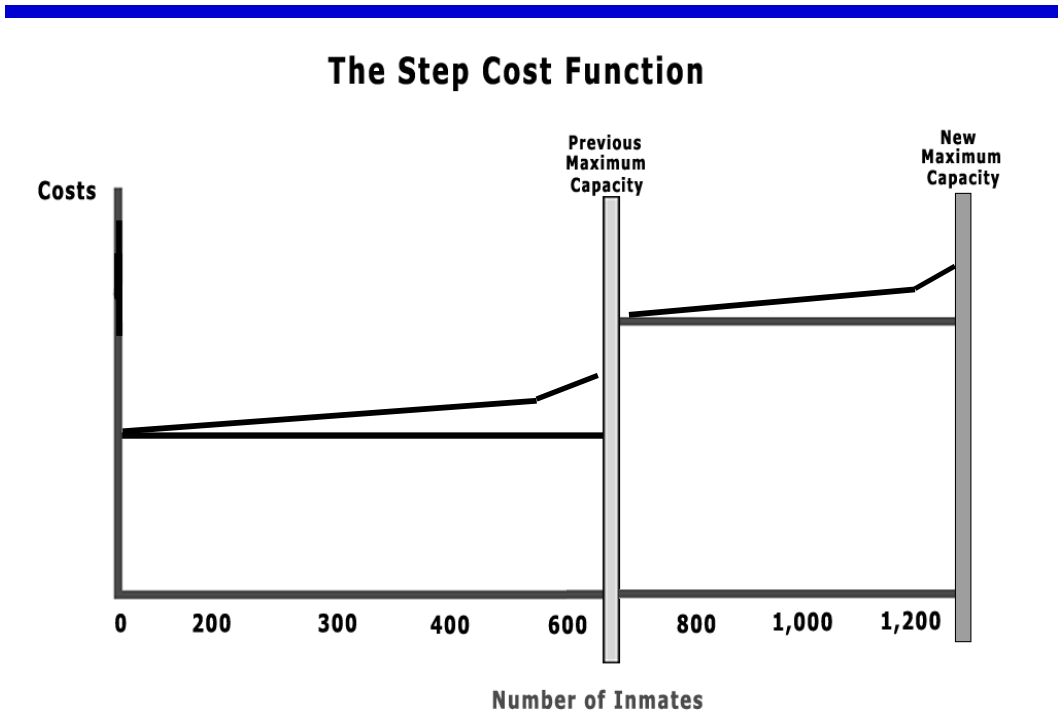
When crowding occurs, average costs tend to increase sharply, as the diagram at right shows. The spiking occurs as a consequence of the rising variable costs combined with purchasing additional increments of semi-fixed costs. For safety reasons, these costs should not be controlled too tightly: *the opportunity costs of not staffing sufficiently in times of crowded conditions can be immense*.



Adding Capacity to Facilities

Adding personnel may solve the problem for awhile, but chronic crowding often leads to the decision to build a new facility. When additional capacity is added, the entire cost structure for the jail moves to a new plateau, as the next diagram of a "step" cost function shows. The step cost function is peculiar to operations that offer services collectively. The "step up" to a higher operative threshold characterizes the addition of semi-fixed cost items such as personnel, but is especially evident when a facility is expanded, because both fixed and semi-fixed costs rise. The impact on average cost of adding capacity is substantial, especially because average costs will have fallen to their lowest levels just prior to expansion. When a jail operates near 100% capacity, average costs are minimized. As capacity is exceeded and the excess costs of crowding are felt, average costs rise, but not to a level anywhere near as high as experienced with low utilization of capacity, as the diagram on the previous page shows. When a jail is expanded, average costs climb: fixed and semi-fixed costs are much higher and divided over the same number of inmates (at least for awhile). The new, much higher average cost can make it seem like the jail is spending uncontrollably. Similar issues arise for schools in Maine, because the state funding formula makes no recognition that a new or expanded facility has bumped average costs up to a higher step, so the per pupil aid allocation remains the same. A school district finds itself moved from being a fiscal winner, receiving extra aid dollars each time a pupil was added (even though unit costs were falling), to a fiscal loser, when the opening of a new school causes the per pupil expenditure to exceed appreciably the state's estimate of "necessary spending eligible for subsidy".[2]

[2] Spending above the foundation amount is the origin of the "local appropriation other" portion of school spending, which is "outside" Maine's funding formula. Exclusion of some spending from computation of state aid leads to discrepancies between the percent of education expenditure the state claims they finance versus the reality districts face.



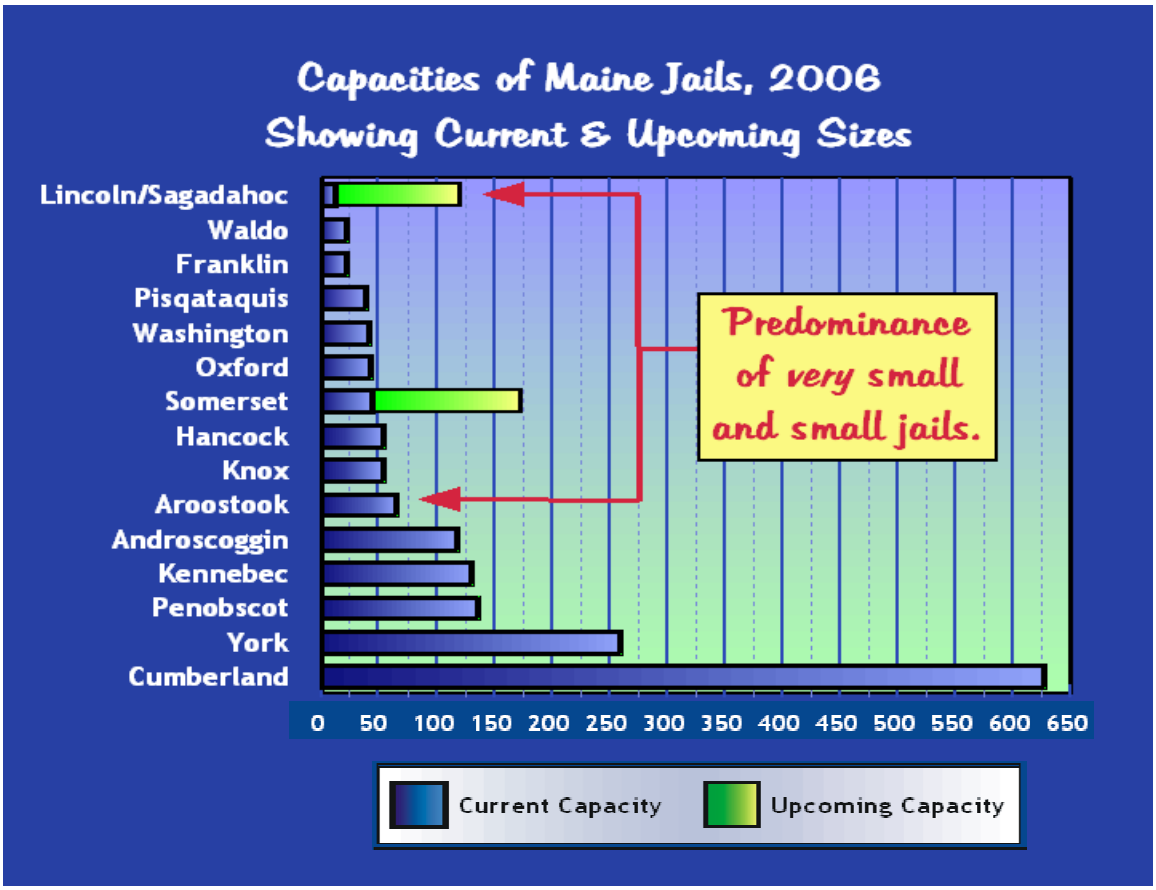
Avoiding expansion or construction is obviously a better route, fiscally speaking, than adding capacity. Aggressive diversion programs and efforts aimed at reducing use of a jail can make the difference between getting by with the existing facility and needing to move ahead with expansion plans.

Scale of Operations (and a Tale of Maine Jails)

You might notice that the first level of the step cost function shown on the previous page is taller than the second step. Initial planning, architectural renderings, and construction of a facility involves a base or threshold expenditure. If the facility is small, the up front cost can be quite high because the threshold must be met. In contrast, as the size of the planned facility increases, or as capacity is added, the extra expense for the services that formed the initial threshold rise slowly. Also, as scale increases, discounts reduce square footage costs. This is where *economies of scale* can make a big difference in costs. It is not that big facilities cost less than small facilities, it is that the price per square foot is lower. When the capacity of an existing facility is expanded, many of the costs of the original facility have been covered already. If the jail constructed the original building with eventual expansion in mind, it may be even less expensive to expand.

Many Maine jails have been plagued by high average construction and operating costs because they are very small or small. As Figure 2.3.1 shows, only five of Maine's 15 jails hold more than 100 inmates at present, while nine hold 55 or fewer. When a jail serves only fifty inmates, there needs to be at least a skeleton crew on board. So the average cost will be very high, relative to larger facilities. This problem is caused partly by diseconomies of small scale. Increasing the jail size to hold 100 inmates doubles capacity, while increasing the cost of construction and eventual operations by a smaller percentage. Efficiency is gained because the jail has increased its scale and tapped into economies—incremental cost savings—due to increased scale. However, a jail that holds 100 or even

Figure 2.3.1



150 inmates is still a relatively small facility. Once inmates are divided by gender, level of custody (minimum, medium, maximum), status by pre-trial or sentenced, very small numbers are held in various sections. The smaller the jail, the more difficult it becomes to provide adequate segregation and security, programs are limited greatly, and overcrowding is more likely, especially at peak times. The *Somerset County Jail Sourcebook* (2005) cites many of these issues as reasons why the current jail "is not safe for staff or inmates" (p. iii), does not meet correctional standards, can not offer inmates adequate opportunities to make productive use of their time in confinement. Only Cumberland and York counties have jails that are large enough to achieve economies of scale, while only Cumberland County is the only jail in Maine to achieve a consistent critical mass of inmates—*especially females*—to make feasible differentiated programming that targets identified needs of confined persons.

There is an economic perspective that says "build larger to tap into economies of scale and be more efficient". When thinking about scale, and whether to go bigger, understanding the relationship between total costs and average costs is very important. Often a argument is made to go bigger because the average cost per client or per inmate will be lower. Take, for example, the following rationale used to help persuade Somerset County voters to support a bond referendum for a large new jail: "When fully occupied [the jail] will provide capacity for 4 times as many inmates as the current

jail, but requires only 89% more staff."[3]

✔ The ratio of added prisoners to added staff sounds great, until you realize the flier says *89% more staff* will be needed (not to mention the $30 million in debt that will need to be repaid).

While the idea that going bigger taps economies of scale provides a reasonable rule of thumb, when a small county needs a larger jail or a small school district needs a larger school building, increasing the current capacity by a factor of nine, as the Twin Bridges Regional Jail has done, or even four, as Somerset County is doing, is unlikely to tap into sufficient economies of scale to even begin to offset the massive increase in operating and debt service costs.[4] Going larger by going regional and perhaps specializing, in contrast, makes good sense, so long as the region is large enough to spread the higher costs across enough taxpayers to make the budgetary and property tax impacts tolerable. However, when planning regional facilities, policy makers must consider the relationship between planned scale and ability to achieve reasonable unit costs of intended programming. Despite being nine times the size of the current Lincoln County jail, the Twin Bridges Regional Jail still is too small to offer the kinds of programs Cumberland County can mount effectively and at a reasonable unit cost, due to its much larger scale.

2.4 What Do We Know About Costs, Benefits, & Effectiveness of Jail Diversion?

At the outset of my work on this project, I searched for studies that had examined the costs, benefits, and cost effectiveness of jail diversion programs. While many studies limit the literature search to peer reviewed work, it has been recognized that there is a "publication bias" in academic journals that can promote publication of positive results and findings that coincide with the work of leading researchers. Therefore, my search sought all studies, regardless of publication status. When I identified a relevant study, I used the references to identify other studies. I also emailed colleagues in other states to ask whether they were aware of any good studies. The fruits of my work were very slim. As Cowell, Stewart and Ng note: "There is little published evidence on the costs of jail diversion, and no study to date has examined the cost effectiveness of jail diversion programs (2004, p.294). Cowell, Stewart and Ng add that there is only a small body of literature on evaluating the effectiveness of jail diversion efforts, the results of which are mixed. This surprised me, because there have been an enormous surge in jail diversion programs across the U.S., with the total number increasing from 52 to over 300 since 1992 (Steadman, 2004).

Unfortunately, the view that there is not a sound, large body of research supporting the effectiveness of jail diversion is substantiated by Steadman (2004), who is one of the principal and best known proponents of jail diversion programs, due to his employment as director of the TAPA Jail Diversion technical assistance program, which is funded through SAMSHA to coordinate the evaluation of the targeted capacity enhancement sites funded through their Center for Mental Health Services. Steadman (2004) reports that there have been only seven published empirical outcome studies of jail diversion programs; he calls into question the quality of the studies when he states: "The small-scale studies had differing methodologies and examined different out-comes" (p. 2). In 2005, in an introduction to a symposium volume of *Behavioral Sciences and Law* on criminal justice diversion programs, editor John

[3] Somerset County Jail Committee Flier, 2005. Included as an appendix to this report, and available online: http://www.nicic.org/Library/021070.

[4] Projected budgetary impacts on Lincoln, Sagadahoc, and Somerset County of debt repayment requirements and added operating expenditures are discussed in Chapter 4.

Petrila (2005)introduces the journal issue and a paper by Steadman and Naples by saying: "Few empirical data exist regarding initiatives, despite their rapid adoption by jurisdictions in the United States and elsewhere" (p. 161).

In the diversion symposium issue, Steadman and Naples (2005) review six empirical studies in the issue. Most of the studies of jail diversion programs reviewed used simplistic before and after comparisons of arrests to assess effectiveness of diversion programs, with no attention to the nature of the arrest or the seriousness of the charge. The review by Steadman and Naples would not be considered "critical", but instead selects tidbits of information to share with readers. The authors then report on their own involvement with evaluations of six SAMSHA funded projects. Steadman's TAPA Jail Diversion Center is coordinating the evaluations of the jail diversion programs funded under the CMHS targeted capacity expansion initiative. Steadman and Naples characterize their studies as "quasi-experimental" because they use comparison groups from neighboring cities and counties. They note that their design is based on "non-equivalent" control groups (p. 165). The non-equivalency of control groups means that comparisons are made between people who were diverted and people who did not qualify for diversion. Because the groups are not matched, differences in outcomes can not validly be attributed to participation in the program.

Methodologically, this approach offers little if anything beyond not using a control group, and worse, may mislead through implied relevance of comparisons. Steadman and Naples defend their method, stating: "By definition they are non-equivalent groups. If they were the same, most of the non-diverted would be diverted. The issue here is not what would happen if equivalent people were diverted,. The question is, given the criteria actually in place in the six programs studied, how those people who were diverted did absolutely and relative to other persons with co-occurring disorders identified at the same point in the criminal justice process, some in the same cities/counties and some in nearby cities/counties, who were not diverted" (p. 166). Well, if that did not satisfy you that the method was a good one, you are not alone.

In a major critical review of diversion programs was undertaken for the Canadian Solicitor General by Joan Nuffield in 2005. Nuffield was charged with the responsibility of looking at relevant studies worldwide, to identify promising diversion practices that could be adapted and implemented in Canada. Nuffield states: "No rigorous evaluations were found of programs for diverting the mentally ill from pretrial detention and later justice processing" (p.9). Nuffield rejects Steadman's published works as being empirical studies or evaluations, and instead classifies the body of his work as "process descriptions". She says that the results of Steadman's and other process studies "suggest that it is possible to divert from pretrial detention seriously mentally ill disordered persons and place them in more appropriate settings, although how long some of them will remain out of jail is an open question" (p. 10). With respect to the cost savings aspect of diversion, she advises the government of Canada: "Expectations that diversion programs will reduce justice system costs have not been supported in the literature. Most programs affect only a very small proportion of criminal cases . . . no instances were found of diversion programs which resulted in reductions of justice system expenditures" (p. ii).

The best analytical work identified is four cost-effectiveness studies undertaken by Cowell, Stewart and Ng (2002a,b,c,d). Their 2004 publication summarizes these studies, presenting "the first such estimates" on the costs and effectiveness of jail diversion programs for persons with mental illness and co-occurring substance abuse disorders. Their studies, done for RTI International, looked at four SAMSHA funded targeted capacity expansion programs. I was able to obtain from Alex Cowell the full reports for the four site studies (Cowell, 2002a, 2002b, 2002c, 2002d) and a summary report (2002e). These studies are cost effectiveness studies, not benefit cost studies, as the authors emphasize.

Cost effectiveness is a less ambitious policy tool than benefit cost analysis, which compares costs with select benefits, such as the cost to achieve a specified percentage reduction in crimes (Cohen, 2000, p. 265). Cost effectiveness studies can be very helpful in identifying and ranking the capacity of programs to achieve a stated goal(s). However, in pursuing evidence on a specific outcome, they can leave unaddressed other potentially important effects, both positive and negative.

In addition to their own 2004 publication about their work, the four 2002 cost effectiveness analysis reports by Cowell and his colleagues have been summarized by Steadman and by Broner (2005) and Steadman (2004), and are in part the topic of a 2004 published paper by Broner, Steadman, Cowell, and colleagues. In a TAPA paper entitled "What Can We Say About the Effectiveness of Jail Diversion Programs for Persons with Co-Occuring Disorders", Steadman (2004) reports accurately that Cowell and his colleagues found no significant cost difference between being diverted and not being diverted in two of the four study sites, costs of the diversion program were significantly higher in one site, and diversion resulted in net cost savings in one site. Steadman also summarizes correctly the effectiveness evidence of the Cowell studies, which showed "few statistically significant differences" but noted that in each of the sites, diversion was associated with differences in one of the outcomes considered (p. 7). However, despite accurately summarizing Cowell's work, Steadman goes on to summarize inaccurately the cost findings, stating: "Jail diversion results in lower criminal justice costs". He then generalizes from the effectiveness portion of the Cowell studies and apparently from anecdotal evidence gather through the TAPA Center: "Taken together with the findings from previous studies on jail diversion, these findings provide evidence that jail diversion results in positive outcomes for individuals, systems, and communities" (p. 7).

Aos, Miller, and Drake (2006) of the Washington State Institute for Public Policy share the view that diversion programs have not been successful, especially with respect to recidivism or cost savings. They conducted an extensive search for evaluations of jail diversion programs and identified eleven studies they felt were rigorous enough to include in their analysis of "what works". Interestingly, although they say they used eleven studies, only four are listed in their bibliography. They do, however, list a paper by Broner, Steadman, Cowell, and others involved in the TAPA evaluations, which includes reports for eight SAMSHA sites studied, including the four separate evaluations conducted Cowell and his colleagues at RTI International. So essentially they are rehashing the work Cowell and others have reported on already. The conclusion from the Aos and colleagues analysis work is: ***"On average*** [emphasis added] these approaches have not demonstrated a statistically significant reduction in the recidivism rates of program participants." There are some significant methodological issues with the way in which students are reduced to a common denominator that can be translated into "worth doing" or "not worth doing" that are discussed further in the next section.

The results of the examination of the very limited literature on the costs of jail diversion programs was extremely disappointing. In an effort to identify studies from other areas of corrections that might provide useful guidance for researchers interested in evaluating the benefits and costs of jail diversion programs, I extended my search to look at benefit-cost, cost-benefit, and cost-effectiveness studies of other types of diversion programs, especially drug courts. There are a fair number of evaluations of drugs courts and a few cost benefit analyses. For the most part, however, what is referred to as a "cost study" or a "cost benefit analysis" reports only limited cost data and a very narrow range of benefits and costs. Cohen wrote in 2000 that despite increasing demand for cost studies of various types, "cost-effectiveness and benefit-cost analyses have not been staples of the criminal justice policy analyst's tool kit" (p. 263).

Cohen is not alone in his concerns about the lack of rigorous cost analysis in corrections and the

questionable quality of evaluation research (see also Welsh and Farrington, 2000; Swaray, Bowles,and Pradiptyo, 2005; Logan et. al., 2004; McDougall et. al., and Roman, 2004). A September 2003 U.S. General Accounting Office (GAO) report on "justice outcome evaluations" chastises the National Institute of Justice (NIJ) after finding that only one-third of the evaluations funded by NIJ were "methodologically rigorous in both design and implementation, enabling meaningful conclusions to be drawn about program effects" (p.1). GAO found that some studies were well designed, but encountered problems during implementation that limited the evaluators' abilities to measure program effects. The GAO acknowledges that "optimal conditions for the scientific study of complex social programs almost never exist", but argues that methodological adequacy can be improved and urges the National Institute of Justice to take steps to overcome evaluation design and implementation problems, "so evaluations can produce more conclusive results."

A Look Ahead

It is frustrating for policy makers and corrections professionals to hear so much about the benefits of jail diversion, and to be assured repeated by SAMSHA and Henry Steadman that diversion saves money, only to see little change in their budget situation. Learning that the small number of evaluations done to date do not support the rhetoric is perplexing , at best. The National GAINS Center for People with Co-Occurring Disorders in the Justice System held their 2006 annual national conference in Boston in April. Many of the sessions turned out to be showcases for various technical assistance products that may be purchased from Policy Research Associates (PRA) of Delmar, New York, which is home to the TAPA Jail Diversion Center. (It was unclear to me where the distinction between Policy Research Associates and the TAPA Center lies.) One product for which PRA currently is recruiting participants is for a cost analysis system they have designed, *based on average costs*.

One thing that did come across to me clearly at the GAINS national conference is the high level of excitement around jail diversion. People around the U.S. are very excited about the work they are doing and believe they are providing a much needed and tremendously vital public service. Talking people about their programs confirmed my sense that we are doing a great disservice to programs by not asking harder questions and looking deeper, beyond simple concepts of benefits and costs. The lack of sound evaluations of important social programs is disturbing, not so much because people are claiming many benefits that they can not substantiate, but because so much is being missed due to inadequacies in method and boxed in thinking about benefits and costs. Despite her indictment of the quality of evaluations and benefit cost studies of diversion programs, Nuffield is staunch in her support of the need to "remove mentally disordered persons from the justice system", saying: "Questions of diminished criminal responsibility aside, the justice system is ill-equipped to deal effectively with such persons, including problems of treatment, safety, and control which they present in the correctional population" (p. 9). The costs associated with missed opportunities are huge.

One of the important findings of my work on this project is that despite the frequent references to "evidence based practice" and how much we know, it appears that there is still a great deal to learn. Efforts are underway to raise the bar on the quality of correctional evaluations and research. In addition, there is a small but growing group of researchers who are encouraging economists and social scientists with strong backgrounds in benefit cost analysis to become involved in corrections projects. This may lead to an improvement in practice, but there will be a lag before a body of work is available to inform policy makers and guide future research. Meanwhile, there is work underway that is being disseminated widely and viewed by policy makers, some of which is not especially sound, and worse, some of which may be misleading.

Policy makers are in a unique position to ask good questions and to help shape what gets looked at and how it is looked at when an evaluation and/or a benefit cost analysis is undertaken. The remainder of this chapter focuses on identifying some serious issues in the current cache of cost benefit studies, which are being used to guide policy development, choices, and the investment of tax dollars.

2.5 A Brief Critique of Cost Studies of Jail Diversion Programs

McDougall (2003) points out: "It is increasingly being recognized that it is essential to know not only what is effective in reducing criminal behavior but also the relative costs and benefits of criminal justice interventions (p. 160). She notes further that a sound analysis builds on rigorous evaluation that captures the benefits and costs to society of a particular correctional intervention or sentencing option (p.160). The quality of cost benefit and cost effectiveness studies hinges on the quality of the underlying evaluation. While this section focuses on issues in the current practice of benefit cost analysis of diversion programs, we want to keep in mind that sound evaluation is an integral part of benefit cost analysis used for policy decision making. Here are some steps we can take to improve our work in this area.

1) We need to use marginal, not average costs, to determine what programs cost and how much diversion does, or does not, save.

Earlier in this chapter, the discussion of cost structures outlines a major issue with cost analyses, cost benefit, and benefit cost studies of jail diversion programs. Rather than using marginal costs, analysts rely on average costs. The method assumes incorrectly that each time an inmate is diverted from the jail, the jail saves money equal to the average daily cost of housing the inmate. If a jail is full and inmates are being housed in a motel, then this savings would actually accrue. Occasionally, this actually happens! Analysts may argue that marginal cost data is not available, but it is easy to find out to what extent of a jail or prison's capacity is used. Then, an assessment may be made of the potential for the program to save money in the short run, while also considering how the program is likely to affect longer range facility needs.

2) We need to refine the measurement of recidivism.

Almost universally, evaluation and cost studies look at recidivism, as either the single indicator of success or primary among several. Fluellen and Trone accurately point out that "preventing subsequent criminal behavior has the greatest impact on correctional resources over time, so it makes sense that researchers have been concentrating on measuring recidivism" (p. 2). What does not make sense is how researchers and corrections professionals have gotten away for so long with doing studies that treat recidivism as either black or white, with no shades of gray: someone either does or does not recidivate. In recidivism research, qualifying events span a broad array, with traffic tickets even in the list of offenses. In Maine, it is estimated that 10% of probation violations are for traffic violations (Austin, 2003). The zero tolerance approach to recidivism and probation violations sets up an ex-offender or a probationer for failure. The overly simplistic treatment of recidivism also does a real disservice to corrections professionals. Corrections officers, jail and prison administrators, and other corrections employees are dedicated professionals who do make an important difference in many lives. Unfortunately, these hard working men and women are set up for failure by a measurement approach that chomps at the bit to call any and every misstep "recidivism". Not surprisingly, the public views our public systems as broken and loses confidence in government. Some people undoubtedly suffer anxiety as a consequence of hearing so much about all those recidivists. And, of course, the jails keep

filling up.

We can do a better job of measuring and reporting recidivism. We certainly would want to begin by excluding offenses that are "excused" routinely for everyone else, such as failing to pay a fine on time, which in Maine is a major cause of operating after suspension arrests (and being jailed). Beyond that, we need to compare the previous criminal history with the current offense. The woman who has served her time in prison for mugging grandmothers, gets out, gets a job, and then impulsively shoplifts a CD at the mall is hardly a threat to public safety. So let's avoid excessively criminalizing an act that would bring a slap on the wrist for a first time offender. On the other hand, when a young man is placed on probation for shoplifting a CD, but then graduates to aggravated assault, we have a recidivism problem that requires attention.

3) We need to improve assessment of the benefits of justice interventions, by (a) broadening the range of benefits considered, by moving beyond the current singular focus on reductions in recidivism and savings of jail bed days to include other tangible and intangible benefits that accrue to society; (b) increasing the range of stakeholders considered as potential beneficiaries, by looking beyond the departments or agencies involved directly with program to other government departments, criminal justice agencies in other jurisdictions and at the state level, and society; and (c) lengthening the time period of measurement, to permit the effects of the intervention to be observed and to accrue.

There are many potential benefits of diversion programs that simply have been ignored in evaluation and benefit cost analysis studies. Often, analysts limit consideration of benefits to those that can be quantified easily (although not necessary well), and may take the perspective of considering only those benefits that accrue to the governmental unit financing the study. As discussed earlier in this chapter, there are many benefits to diversion programs that accrue directly to the jail, such as the reduction of jail crowding, the reduction of risk of suicide, the reduction of risk of harm to inmates and corrections officers, and improved productivity among correctional personnel, among others. We want to be careful not to get so carried away that we are excused of *"shooting everything that flies, claiming everything that falls*", but armed with knowledge of how to determine whether enumerated benefits and costs are "real" and pitfalls like double counting, we should be able to delineate a realistic, defensible list of benefits.

Because people are mobile and involvement in the criminal justice system can progress over time, it is important to look for benefits that may accrue well into the future and to assign the benefits to the justice agencies that benefit. Cowell and his colleagues (2002d) determined that probation benefitted from the jail diversion, by seeing lower caseloads. Cowell points out that because probation officers can handle only a certain number of probationers, a reduction in caseload translates into either more room for other probationers, saved dollars, or a forestalled need to hire more probation officers.

A human and social capital investment strategy that targets helping people become more productive citizens would be costly at first, but would provide returns on taxpayer investments for many years (Peterson, 2002). California's Proposition 36, which was passed by voters in 2000, requires that all people convicted of simple drug use or drug possession no longer will be incarcerated and instead will be offered treatment (Kerle, 2003). The initiative is anticipated to divert 36,000 people to treatment in the first year, cutting the inmate population significantly. Belenko (2005, p. 6) points out that investments in reducing or eliminating substance abuse have more extensive impact on society than other types of health interventions, because of the close linkage between substance abuse and health status, criminal behavior, family functioning, mental health and employment. In Maine, a large

percentage of jail and prison inmates grapple with addictions. Working with adolescents to head off involvement with the criminal justice system by intervening to get them into treatment for mental health and substance abuse problems could have significant payoff. A 2004 monograph from The National Center on Addiction and Substance Abuse at Columbia University entitled *Criminal Neglect: Substance Abuse, Juvenile Justice and The Children Left Behind* is both an indictment of society's and government's failure to intervene and a call to arms. Drug involvement is very high among teens coming into contact with justice authorities, but few are directed to treatment. Zero tolerance policies in schools and by some law enforcement agencies are leading to more serious involvement with the criminal justice system. We have an opportunity to turn things around.

4) We need to do a better job thinking about the costs of justice laws, policies, and programs, to include the potential harm that may be done to participants and opportunity costs that may accrue from not doing things differently. This is a particularly understudied but crucial area for attention.

The criminal justice system is more able than other policy arenas to implement policies without scrutinizing all the possible impacts, because many people believe punitive policies are necessary to control crime. Criminal justice may be more prone to reactive policy making, in which laws are passed because people feel bad about a particular situation. Lobbying by interest groups also has an effect on the shape of our justice system, with laws passed and resources allocated to address the needs of select groups of victims or offenders. A more reasoned approach to policy making would identify all the possible costs of a course of action, and then compare those costs to the benefits to be attained. Using this yardstick, it is likely that many current laws, policies, and practices would not withstand scrutiny.

Many benefit cost analyses take a stance that personal consequences are not an appropriate aspect of studies, that instead the emphasis should not be on costs or benefits to participants, but instead, to government and society. First, this viewpoint assumes that the individual's "private" benefits and costs are separate from "social" benefits. Human capital and societal effects are intertwined: what happens to people is the inside of the "black box" of justice policies and correctional interventions. Second, ignoring impacts of interventions on justice system involved persons runs counter to requirements for ethical intervention. Justice policies, procedures, and programs constitute interventions, in many cases, profound interventions. During the past decade, scrutiny of all social and behavioral sciences research has increased greatly, to ensure the protection of "human subjects". Ethical practice requires us to explore the full range of costs of laws, justice processing and decisions, and programmatic strategies. A guiding principle for government policy makers and corrections officials must be: "*first, do not harm*".

Drug courts are a fairly recent innovation in criminal justice, whose "therapeutic jurisprudence" is being heralded as a solution. Most drug court evaluations and the literature on drug courts talk about the many benefits for graduates. Yet, only 50% of people who enter drug courts graduate and results of evaluations are showing that people who do not graduate do worse than people who never enter drug courts. Evaluations rarely ask: *"Why did some people fail? Did something about the drug court contribute to failure*?" Evaluations do not examine critically whether drug court practices, such as using control and jail sanctions rather than increasing treatment, may be harming some participants. Fluellen and Trone (2000) point out that people who fail in drug courts often are "sentenced more severely than similar offenders who never entered the program" (p. 2). Zero tolerance policies and setting a higher standard because the court is giving the offender "a break" are matters to be decided after careful consideration of all costs.

Nuffield's extensive 2005 critical review of diversion studies concludes that some community corrections and diversion programs formalize the process, especially for juveniles, first time offenders, and people charged with minor or "nuisance" offenses, and may therefore "increase labeling and widen the net, creating a formal record which would not otherwise exist, and which will follow the offender, possibly affecting future dispositions in ways which are unintended" (p. 8). With both adults and juveniles, Nuffield raises the issue that people are brought into the system because they have significant life problems that lead prosecutors and diversion staff to try to intervene, by bringing people into the system and criminalizing them so they can be "helped" (p. 12). Ed Latessa's presentation in Portland in November 2005 similarly emphasized that intervening with less serious offenders may cause harm. Intended and unintentional collateral sanctions, such as denying federal student aid to people who have been convicted of certain drug offenses, impose heavy costs on not just the offender but on society. One needs to review policies by asking: "at what cost to society?"

In recent years, there has been a dramatic broadening of the instances in which the Maine Department of Motor Vehicles is directed to suspend drivers' licenses. Being charged with driving under the influence requires immediate license suspension. While some suspensions reflect the accumulation of points for tickets, licenses frequently are suspended "administratively" for reasons that have little to do with whether someone is a safe driver. Recent changes to Maine law permit judges to levy a variety of fines without regard to ability to pay, and direct the Department of Motor Vehicles to use license suspensions to enforce payment. Licenses are being suspended because someone failed to pay a fine for fishing without a license. If someone does not drive and loses a job, there is a high of tangible cost. If someone drives despite a suspension, because they do not want to lose employment, they may end up in jail. The impact of the stress of job loss can have intangible negative effects on the individual, influencing mood and substance use, and spillover in negatives ways on loved ones. In a state where government provides virtually no alternative transportation, driving is an absolute necessity. Policies that remove someone's privilege to drive impose a heavy cost.

✔ Careful identification of costs and comparison of costs and benefits produces better policies.

5) We need better estimates of what would have happened to people accused of crimes if he or she had gone the normal route and not become involved in a diversion program. These comparisons are essential to determining the benefits and costs of diversion programs, including the potential for doing harm to some program participants.

Nuffield (2005) points out that "the diversion literature tends to evoke an image of criminal courts that prosecute and convict most cases brought before them, even the less serious ones. Yet the pictures drawn of these courts from a variety of empirical sources undermine this image" (p. 14). Nuffield adds that most jurisdictions dispose of many cases with discharges, small fines, and lenient outcomes, even when they are not dismissed outright. Nuffied concludes that "diversion tends to occur in contexts where some percentage of cases (and perhaps a fairly large one)" would otherwise be screened out of the system. "Whatever the reason, evaluations of pre-trial diversion have tended to identify a large proportion of diverted cases which would not have received a significant sentence or would not even have been prosecuted" (p. 12). Austin and Krisberg (1981) refer to this problem as "wider, stronger and different nets" (p. 381).

6) We need to learn more about what works and with whom, what does not work with whom and why, and who we may be missing. Good evidence facilitates reliable identification of costs and benefits of interventions.

Numerous studies have identified a common problem with evaluations of criminal justice interventions: we do not know enough about what works, why some programs work and some fail, whether some programs are more appropriate for certain offenders, and who are we missing when some people are accepted into programs and others are not. Who are the people who were turned away from the program and why were they turned away? What opportunity costs are associated with the foregone treatment? If people with mental illness and/or co-occurring substance abuse disorders are not being diverted, are there other options to get them out of jail and into treatment?

7) **We need to avoid using over aggregated evaluation outcome data, which tends to produce a zero sum when failures and successes cancel each other and a negative value when more failures than successes are located and used in an analysis.**

The Washington State institute for Public Policy (WSIPP) was charged by the Washington state legislature to undertake a program of cost benefit analysis of criminal justice interventions, in order to advise the legislature on "what works", with respect to reducing criminality. Their work is being watched with great interest across the U.S., with many observers intrigued by the approach. Despite billing their work as "cost benefit analysis", the WSIPP team acknowledge that studies focus on a single outcome, recidivism. Comparing impacts of different approaches on a single measure is cost-effectiveness analysis, not cost benefit analysis.

More troubling than what they call their work is the approach used to determine the relative effectiveness of various programs. Analysts at WSIPP search out all the studies they can find on a topic of interest, for example, jail diversion programs. They then combine the results by computing an average effect; they give greater weight to studies they consider to be more methodologically rigorous. (Aos, Phipps, Barnoski, and Lieb, 2001). Although Aos, Phipps and Barnoski claim they are comparing apples to apples, one of the consistent statements in reviews of the corrections evaluation is that programs differ greatly in methods and clientele. The jail diversion literature focusing on SAMSHA funded projects is very clear in this respect, pointing out that there is substantial variation in program design and implementation (Steadman, 2004; Cowell et. al., 2004; Broner et. al., 2005). Broner (2005) found significant evidence that client's demographic factors influence results and points out that culturally sensitive approaches are needed. Cowell et. al. describe reporting results separately for sites because they differ so greatly in characteristics of the diversion program and the population served, and they caution that the differences preclude generalizations.

Although the WSIPP review of jail diversion evaluations concluded there was no statistically significant impact across the set of studies, the individual studies show that almost all programs evaluated had positive findings in at least one important domain. Similarly, while on balance the jail diversion programs cost more than not diverting offenders due to increased health care costs, there were exceptions. Using the WSIPP methodology, when there are more positive findings than negative, the approach is deemed a success. If there are more negative findings than positive, the approach is deemed a loser. Mathematically, one can stack the odds towards failure, success or a zero sum game through the number of studies used in the computation. Even when applied ethically, an averaging technique used to decide "what works" dooms successful programs, and programs that could succeed with adjustment, to the ranks of "failures" because *not enough programs with similar titles succeeded*.

Policy makers and corrections professionals need to learn why and how some programs succeeded while others did not, rather than being told what the average effect over the entire set of studies looked like. Interestingly, Steve Aos and several colleagues from WSIPP tackle this issue in a thoughtful

chapter in Welsh, Farrington, and Sherman (2001). They conclude that "the main lesson is that some prevention or intervention programs work with certain groups of people in certain settings. Selecting and successfully implementing the right programs for the right populations are the real challenge for policymakers and program administrators" (Aos, Phipps, Barnoski, and Lieb, 2001, p. 171).

There is a high opportunity cost attached to deeming a potentially successful correctional intervention strategy a failure, simply because the bad implementations of the design outweighed the good. Work aimed at identifying good programs and finding out what makes them good would be much more of a contribution to corrections than computing a "magic bullet" that is likely to be used to kill or perpetuate programs across the country.

8) We need to do a better job of articulating and communicating to the public the benefits we hope to achieve through implementation and operation of correctional intervention and diversion programs, and we need to measure progress towards those goals.

Programs often are implemented with only a generalized sense of anticipated benefits. Programs are strengthened by working towards consensus about specific goals and finding ways to measure progress. Garcia (2004) argues that agencies and programs should have realistic expectations for community corrections programs and construct mission-based evaluation methods that acknowledge explicitly what the program seeks to accomplish. Many of the benefits people really care about are intangible. Maine taxpayers have shown by their environmental stances and willingness to support programs that protect Maine's other intangible assets that they are quite capable of understanding intangible benefits, and when appropriate, placing them before other considerations.

Chapter 3
The Context for Jail Operations

3.1 The Uniform Crime Reporting Program

The "Uniform Crime Reporting" (UCR) program is a major source of data on the occurrence of crimes and arrests across the United States. Currently, more than 17,000 municipal, county, and state law enforcement agencies voluntarily compile and submit data on offenses known and arrests to the U.S. Department of Justice's Federal Bureau of Investigation (F.B.I).

Background

The effort to document crime across the United States was initiated in 1927 when the International Association of Chiefs of Police formed the Committee on Uniform Crime Reporting. The Committee agreed that the number of offenses known to law enforcement would be the most appropriate measure of the Nation's criminality. In deciding which the crimes would be given priority for reporting to the national program, the members of the Committee considered (a) seriousness, (b) frequency of occurrence, (c) pervasiveness of incidents across the United States and across metropolitan and non-metropolitan communities, and (d) likelihood of the incident being reported to law enforcement. Based on these factors, seven crimes were identified for regular national reporting: homicide, rape, robbery, aggravated assault, burglary, larceny, and auto theft. In 1930, at the urging of the International Association of Chiefs of Police, Congress enacted legislation that authorized the U.S. Attorney General to gather crime information. The Attorney General designated the FBI to coordinate collection and dissemination of crime data, which they have been doing since September of 1930 (UCR Handbook, 2004).

Over the years, the UCR Program has been expanding both the range of crimes monitored and the level of detail collected about crime events. In 1952, law enforcement agencies began contributing data on the age, sex, and race of arrestees. In 1958, the concept of a national "Crime Index" was developed as a means to provide a nationwide indicator of criminality. The crime index included the crimes selected for national reporting, but limited the count for larcenies to those that exceeded $50 in value. The 1960 edition of the UCR publication *Crime in the United States* presented for the first time a compilation of crime data for all 50 states. In the same year, the UCR program began collecting information about deaths of law enforcement officers; in 1972, collection of detailed data on these events was initiated. In 1978, Congress mandated the collection of arson data. In 1990, following passage of the Hate Crime Statistics Act, documentation was begun for offenses that were motivated in whole or in part by an offender's prejudice against a race, religion, sexual orientation, or ethnicity or place of national origin. In 1994, physical or mental disability was added to the list of biases that collectively are called "hate crimes".

In 1985, the F.B.I. and the Bureau of Justice Statistics developed and began the implementation of a new reporting approach that is based on the attributes of each incidence of an offense. The National Incident-Based Reporting System (NIBRS) uses a common file number to link together the nature of the offense, the offender(s), victim(s), and arrestee(s).[5] Although the F.B.I. released offense specifications

[5] For more information, see the NIBRS "FAQs" web page at http://www.fbi.gov/ucr/faqs.htm.

and data elements for the incident based system in 1988, participation still is limited. Due to the greatly increased reporting requirements, small states and states with many small police agencies are finding implementation of the new system to be a challenge. The F.B.I. has been encouraging phase-in of the new system as data processing capabilities are expanded. Access to cross-linked data will permit researchers to delve into issues that previously required sample-based special studies. The F.B.I.'s Uniform Crime Reporting website cautions: "Although participation grows steadily, data is still not pervasive enough to make broad generalizations about crime in the United States". Nonetheless, early products, such as the recently released report entitled *The Structure of Family Violence* are demonstrating the tremendous promise the NIBRS system holds for helping researchers and policy makers gain insight into complex societal problems.[6]

Exhibit 3.1.1: UCR Offenses

Part I Offenses

1. Criminal Homicide
2. Forcible Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Larceny-theft (except motor vehicle theft)
7. Motor Vehicle Theft
8. Arson

Part II Offenses

1. Other Assaults
2. Forgery and Counterfeiting
3. Fraud
4. Embezzlement
5. Stolen Property: Buying, Receiving, Possessing
6. Vandalism
7. Weapons: Carrying, Possessing, etc.
8. Prostitution and Commercialized Vice
9. Sex Offenses
10. Drug Abuse Violations
11. Gambling
12. Offenses Against the Family and Children
13. Driving Under the Influence
14. Liquor Laws
15. Drunkenness
16. Disorderly Conduct
17. Vagrancy
18. All Other Offenses
19. Suspicion
20. Curfew & Loitering (Persons under 18)
21. Runaways (Persons under 18)

Source: Uniform Crime Handbook (2004)

The UCR Classification System

To increase compatibility among jurisdictions, the terms "misdemeanor" and "felony" were elimin-ated from uniform crime reporting. Instead, crimes are grouped into two categories referred to as "Part 1" and "Part 2" offenses. Part 1 crimes include murder, manslaughter by non-negligence, manslaughter due to gross negligence, rape of a female accomplished by use or threat of force, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson, plus reported *attempts* to commit most of these crimes. (Attempts to commit murder are classified as aggravated assaults.) Part 2 crimes include all other offenses. The exhibit at right shows the crimes included in each group; an appendix to this report provides information about each crime.

Part I crimes, and especially "index" crimes, are assumed by many to constitute the "most serious" crimes. This is incorrect: seriousness was only one among several factors used to decide whether crimes would be classified as Part 1 or Part 2 offenses, and whether those among the Part 1 offenses would be counted in the crime index.

While many very serious crimes are classified as Part I offenses, there are a number of Part 2 offenses

[6] This report is available in electronic format at http://www.fbi.gov/ucr/nibrs/famvio21.pdf.

that citizens consider to be as serious and even more serious, including kidnaping; sale and manufacturing of any narcotic drug including heroin and methamphetamine; possession of a narcotic drug; all sex offenses other than rape of a female; manufacture, sale or possession of deadly weapons; blackmail; "simple" or "non-aggravated" assaults (which nonetheless may cause significant bodily injury); and prostitution and commercial vice.

Within both the Part 1 and Part 2 crime categories, the Uniform Crime Reporting classification system combines serious and less serious offenses under one umbrella term. Some Part I crimes would be classified as misdemeanors in most states, while others might not be considered crimes at all.

- Larceny includes offenses such as pocket-picking, purse snatching, shoplifting, and theft of a bicycle that often are referred to as "petit larceny" and treated in most states as misdemeanors along with more costly incidents of "grand larceny".
- Homicide (murder) includes justifiable homicide, which is defined as "the killing of a felon by a police officer in the line of duty" or "the killing of a felon, during the commission of a felony, by a private citizen". (Excluded are instances in which self-defense is claimed.)

Under the Part 2 grouping, kidnaping—one of the most feared crimes—does not even rate its own category but instead is subsumed under"All Other Offenses".

- Within the catchall "all other" sub-set of Part 2 crimes, kidnaping shares space with both other serious offenses like blackmail and far less dangerous offenses such as being a public nuisance.

Tracking Arrests with UCR Data

Information on Part 1 and index crimes is disseminated through the national UCR program and permits basic assessment of a state's comparative criminality. In contrast, data on Part 2 crimes is far less available. In Maine, the Department of Public Safety includes in its annual publication *Crime in Maine* data on both Part 1 and Part 2 arrests of both adults and juveniles, with all data shown by gender. This data, which is presented for the state as a whole, by county, and by police agency, provides a rich resource for criminal and juvenile justice system analysis and planning.

In Maine and some other states, publications about crime and corrections trends and news reports focus almost exclusively on Part 1 crime, with some attention to domestic violence and arrests for drug offenses. The singular focus on Part 1 and index crimes introduces a bias into crime analysis and reporting that is echoed in public opinion and policy making. It is not unusual to hear policy makers and citizens ask: "Why are incarcerated populations increasing when crime has declined so much?" Within the context of presumed lessened workloads, criminal justice budgets are receiving intense scrutiny and administrators are criticized for asking for additional resources.

In reality, only Part 1 offenses declined during the past decade. During the period of so-called "falling crime rates", reports and arrests for some Part II crimes—especially drug offenses—climbed sharply across the United States and in Maine. Rural areas, once a haven from violence and drugs, have been seeing continuing growth in drug related offenses. "Preliminary" 2005 uniform crime report data released in June by the FBI shows a reversal of the downward trend in Part 1 violent crime: "Preliminary data for 2005 showed increases in three of the four violent crimes from the previous year's data. The number of murders and non-negligent manslaughters rose 4.8 percent. Robbery offenses increased 4.5 percent, and the number of aggravated assaults was up 1.9 percent. Forcible

rape was the only offense among the violent crimes that decreased in volume in 2005, down 1.9 percent from the 2004 figure."[7] The Portland Press Herald reported in July that violent crime in Maine was up by 10% in 2005, and that justice officials see a strong link between the crime wave and drug addiction.[8]

Part II offenses and related behaviors have been placing significant pressure on the justice system for response, investigation, prosecution, adjudication, and corrections. To understand and accurately project the demand for criminal justice system resources, it is essential that crime analysts and planners track both Part 1 and Part 2 crimes. First, the interaction between societal conditions and crime is well known; with the rise in drug and alcohol offenses can be expected to come increases in other crimes. Second, trends in arrests for Part 1 crimes are only a slice of a much larger pie: in 2004,

3.2 Maine and Cumberland County Arrest Trends

This section is provides arrest trend data for Cumberland County and the state. The differences between Cumberland County's and statewide trends are numerous, demonstrating the importance of looking at ungrouped data. Most of the tables and graphs are self-explanatory, so there is not much discussion in this section. This chapter provides background for later chapters, with some of the points that emerge from a review of the graphs included in Chapter 4, where jail spending is examined, in Chapter 5, where state funding is tracked and issues identified, especially relative to trends in this chapter, Chapter 6, where issues, options and opportunities for Cumberland County are considered. Several charts identify especially important trends and/or disparities between Cumberland County and the state, so these have been annotated. One chart deserves some discussion, however.

Table 3.2.1: Arrests for Substance Abuse Offenses as a Percent of Total Arrests, 1996 and 2004

	Statewide		Cumberland County	
Offense	**1996**	**2004**	**1996**	**2004**
Drug Abuse	7.9%	10.2%	6.2%	7.7%
Driving Under the Influence	18.4%	15.2%	18.9%	15.1%
Liquor laws	4.9%	5.6%	3.2%	6.8%
Sum	31.2%	31.0%	28.2%	29.6%

If you skip ahead to Figure 3.2.7, you will see that it shows the top offenses for which adults were arrested statewide and in Cumberland County in 2004. Each crime class shown is expressed as a percent of all arrests.

✔ The first point that emerges from a review of this graph is the very, very small

[7] FBI press release dated 6/12/2006; Accesssed online at http://www.fbi.gov/pressrel/pressrel06/prelim2005061206.htm).

[8] Maxwell, T. Violent crime in Maine jumps 10% in 2005, *Portland Press Herald* and *Maine Sunday Telegram* online at www.mainetoday.com.

percentage of arrests that are for offenses that we all would agree are very serious.
✔ The second striking point is the large proportion of arrests that involve substance abuse, driving under the influence, drug abuse violations, and liquor law violations, which together comprised 31% of all arrests statewide and 29.6 % in Cumberland County.

Arrest Trends

Although the percentage of total arrests attributable to substance abuse have declined slightly since 1996, the decrease is primarily in driving under the influence arrests which have dropped from the mid-to-high 18% range to just over 15% of the total statewide and in Cumberland County. This is still a very high percentage, however, and does not dispel a sense that as a state we are faced with a significant substance abuse problem. Meanwhile, drug abuse arrests are up significantly statewide, but up less in Cumberland County, which now resembles the state rate from 1996. Cumberland has seen a doubling of the percentage of all offenses that arrests for liquor law violations comprise, while this category has increased much less statewide.

Data on arrest trends by crime type and by gender is provided in Table 3.2.2 for the state and Table 3.2.3 for Cumberland County, and then is compared in Table 3.2.4. Although Part 1 offenses declined by statewide, there was an increase of 4.8% in Cumberland County, The grand total of all offenses increased by 10.8% statewide, compared with 19% in Cumberland County. With this divergence in arrests, it is not surprising that the Cumberland County Jail has seen a significant boost in average daily population over the period 1996 through 2004. There are some significant differences in the statewide trends from those in Cumberland County.

Table 3.3.5 shows arrest trends for the various law enforcement agencies operating in Cumberland County.

Figure 3.2.1

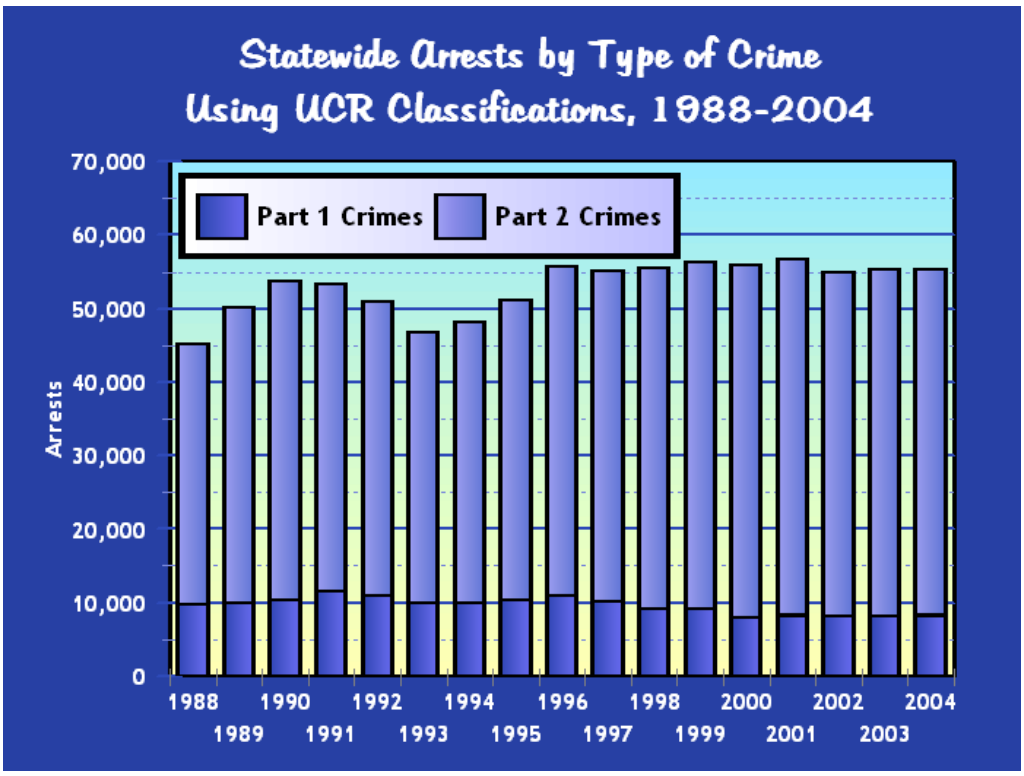


Figure 3.2.2

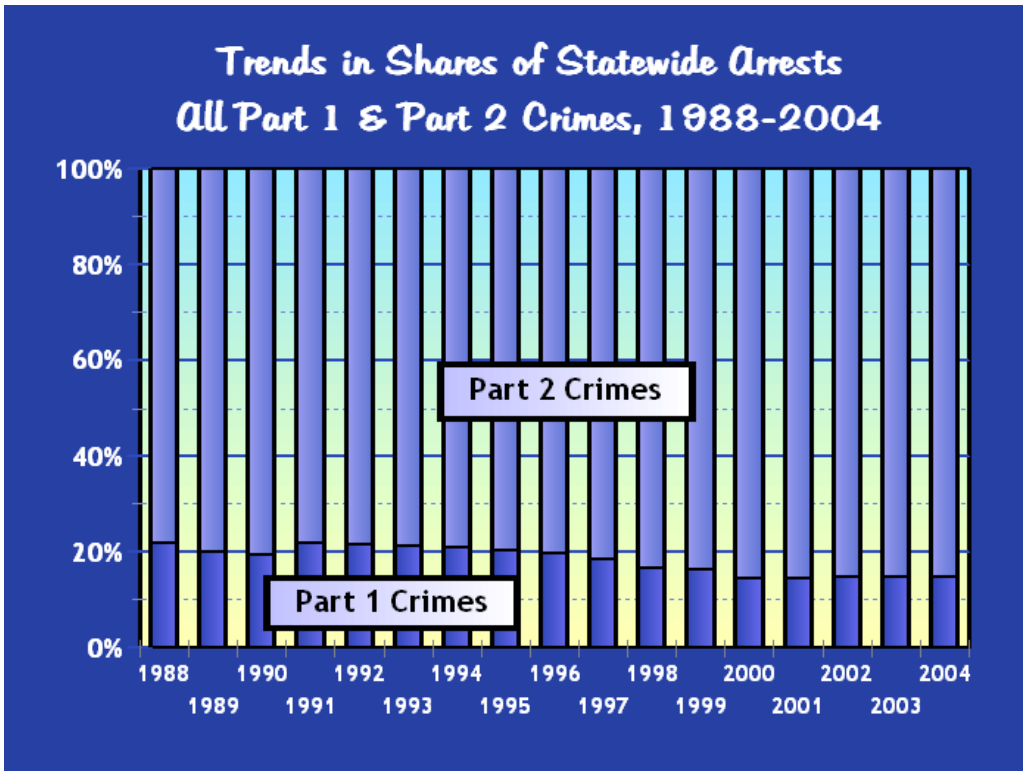


Table 3.2.2: Comparison of Arrests of Adults in Maine, 1996 and 2004

Offense	1996			2004			Change, 1996-2004			Percent Change, 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Criminal Homicide	0	21	21	2	19	21	2	(2)	0	-	-9.5%	0.0%
Rape	0	59	59	3	81	84	3	22	25	-	37.3%	42.4%
Robbery	14	86	100	14	122	136	0	36	36	0.0%	41.9%	36.0%
Assault, Aggravated	85	405	490	100	388	488	15	(17)	(2)	17.6%	-4.2%	-0.4%
Burglary	59	956	1,015	123	703	826	64	(253)	(189)	108.5%	-26.5%	-18.6%
Larceny/Theft	1,118	2,644	3,762	1,432	2,365	4,067	314	(279)	35	28.1%	-0.3%	8.1%
Motor Vehicle Theft	27	250	277	26	180	206	(1)	(70)	(71)	-3.7%	-28.0%	-25.6%
Arson	6	45	51	2	16	18	(4)	(29)	(33)	-66.7%	-64.4%	-64.7%
SUB-TOTAL, Part 1	**1,309**	**4,466**	**5,775**	**1,702**	**3,874**	**5,576**	**393**	**(592)**	**(199)**	**30.0%**	**-13.3%**	**-3.4%**
Part 2 Offenses												
Manslaughter (Negligent)	0	3	3	0	4	4	0	1	1	-	33.3%	33.3%
Assault, Simple	1,001	4,696	5,697	1,359	4,491	5,850	358	(205)	153	35.8%	-4.4%	2.7%
Forgery/Counterfeiting	55	145	200	127	188	315	72	43	115	130.9%	29.7%	57.5%
Fraud	587	743	1,330	505	496	1,001	(82)	(247)	(329)	-14.0%	-33.2%	-24.7%
Embezzlement	8	6	14	14	11	25	6	5	11	75.0%	83.3%	78.6%
Stolen Property	40	261	301	49	185	234	9	(76)	(67)	22.5%	-29.1%	-22.3%
Vandalism	142	894	1,036	144	959	1,103	2	65	67	1.4%	7.3%	6.5%
Weapons	10	214	224	13	260	273	3	46	49	30.0%	21.5%	21.9%
Prostitution/Vice	17	28	45	11	15	26	(6)	(13)	(19)	-35.3%	-46.4%	-42.2%
Sex Offenses	5	237	242	13	228	241	8	(9)	(1)	160.0%	-3.8%	-0.4%
Drug Offenses	430	2,920	3,350	1,013	3,806	4,819	583	886	1,469	135.6%	30.3%	43.9%
Offenses-Family	36	173	209	88	240	328	52	67	119	144.4%	38.7%	56.9%
DUI	1,347	6,459	7,806	1,441	5,698	7,139	94	(761)	(667)	7.0%	-11.8%	-8.5%
Liquor Laws	376	1,685	2,061	535	2,093	2,628	159	408	567	42.3%	24.2%	27.5%
Drunkenness	2	17	19	5	23	28	3	6	9	150.0%	35.3%	47.4%
Disorderly Conduct	378	1,314	1,692	390	1,248	1,638	12	(66)	(54)	3.2%	-5.0%	-3.2%
Subtotal	4,434	19,795	24,229	5,707	19,945	25,652	1,273	150	1,423	28.7%	0.8%	5.9%
All Other	2,075	10,335	12,410	3,339	12,178	15,517	1,264	1,843	3,107	60.9%	17.8%	25.0%
SUB-TOTAL-Part 2	**6,509**	**30,130**	**36,639**	**9,046**	**32,393**	**41,439**	**2,537**	**2,263**	**4,800**	**39.0%**	**7.5%**	**13.1%**
All Offenses												
GRAND TOTAL	**7,818**	**34,596**	**42,414**	**10,748**	**36,267**	**47,015**	**2,930**	**1,671**	**4,601**	**37.5%**	**4.8%**	**10.8%**

Source: Computed by author d from Crime in Maine, 1996 and 2004, Maine Department of Public Safety.

Figure 3.2.3

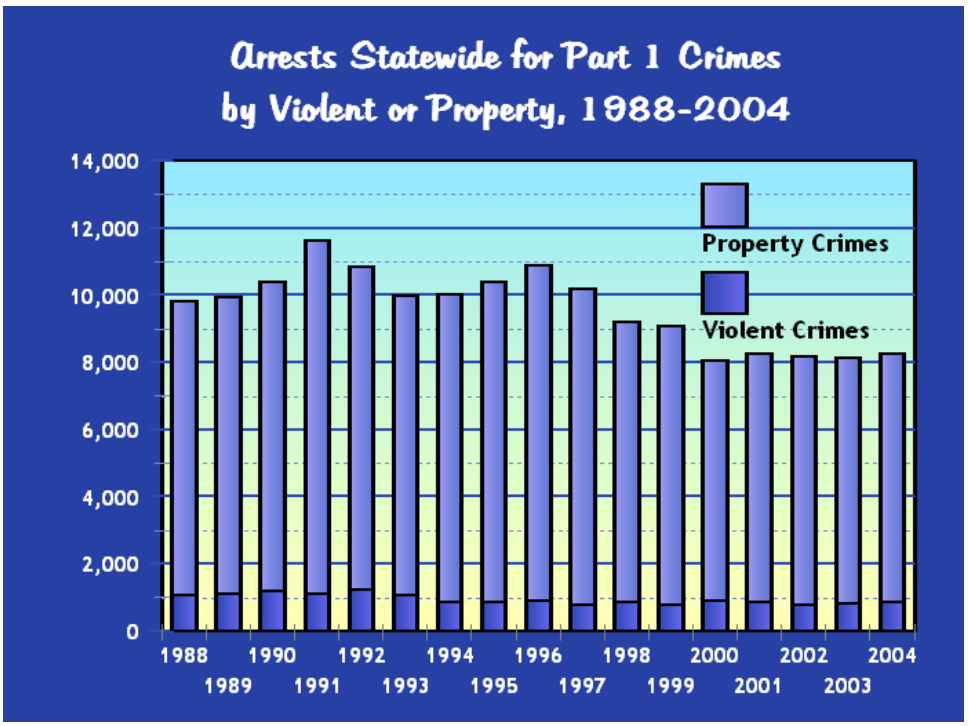


Figure 3.2.4

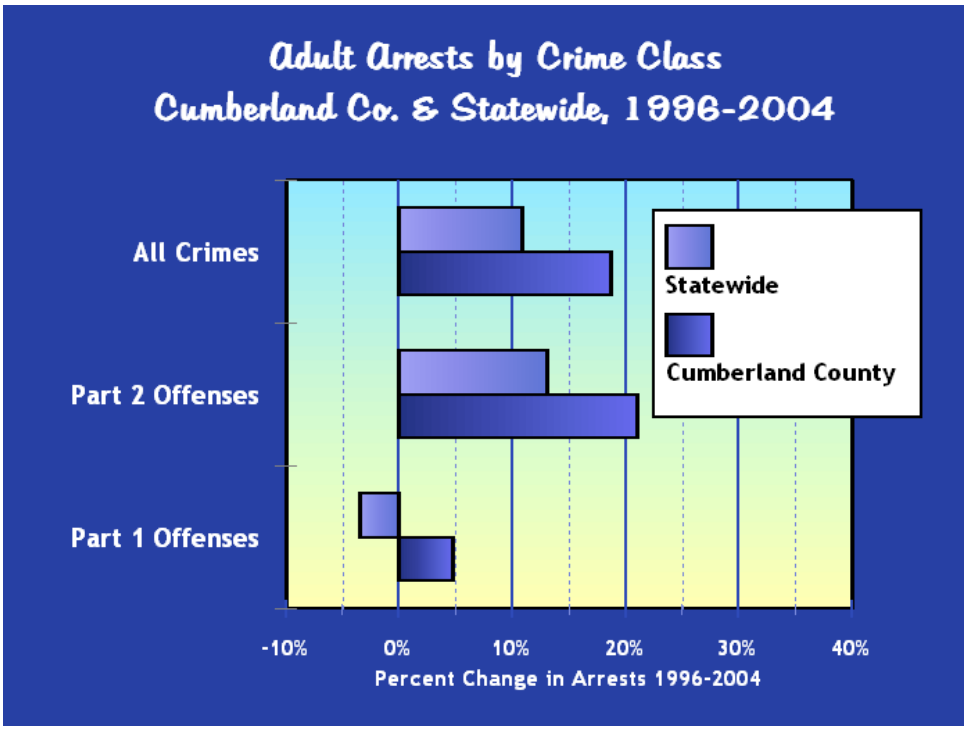


Table 3.2.3 Comparison of Arrests of Adults in Cumberland County, 1996 and 2004

Offense	1996			2004			Change, 1996-2004			Percent Change, 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Criminal Homicide	0	1	1	0	5	5	0	4	4	-	400%	400%
Rape	0	11	11	1	13	14	1	2	3	-	18.2%	27.3%
Robbery	2	31	33	2	35	37	0	4	4	0.0%	12.9%	12.1%
Assault, Aggravated	20	90	110	2	35	37	(4)	(24)	(28)	-20.0%	-26.7%	-25.5%
Burglary	8	138	146	36	147	183	28	9	37	350%	6.5%	25.3%
Larceny/Theft	288	563	851	354	552	906	66	(11)	55	22.9%	-2.0%	6.5%
Motor Vehicle Theft	5	52	57	20	39	41	(3)	(13)	(16)	-60.0%	-25.0%	-28.1%
Arson	1	5	6	0	5	5	(1)	0	(1)	-100.0%	0.0%	-16.7%
SUB-TOTAL, Part 1	**324**	**891**	**1,215**	**411**	**862**	**1,273**	**87**	**(29)**	**58**	**26.9%**	**-3.3%**	**4.8%**
Part 2 Offenses												
Manslaughter (Negligent)	0	0	0	0	3	3	0	3	3	0.0%	-	-
Assault, Simple	171	751	922	229	917	1146	58	166	224	33.9%	22.1%	24.3%
Forgery/Counterfeiting	5	22	27	16	32	48	11	10	21	220.0%	45.5%	77.8%
Fraud	28	63	91	47	59	106	19	(4)	15	67.9%	-6.3%	16.5%
Embezzlement	3	0	3	4	5	9	1	5	6	33.3%	-	200.0%
Stolen Property	4	37	41	7	32	39	3	(5)	(2)	75.0%	-13.5%	-4.9%
Vandalism	13	104	117	27	221	248	14	117	131	107.7%	112.5%	112.0%
Weapons	4	75	79	5	102	107	1	27	28	25.0%	36.0%	35.4%
Prostitution/Vice	6	23	29	5	5	10	(1)	(18)	(19)	-16.7%	-78.3%	-65.5%
Sex Offenses	0	56	56	3	42	45	3	(14)	(11)	-	-25.0%	-19.6%
Drug Offenses	73	447	520	167	608	775	94	161	255	128.8%	36.0%	49.0%
Offenses-Family	3	13	16	6	14	20	4	1	5	200.0%	7.7%	33.3%
DUI	302	1,295	1,597	303	1210	1513	1	(85)	(84)	0.3%	-6.6%	-5.3%
Liquor Laws	33	236	269	121	558	679	88	322	410	266.7%	136.4%	152.4%
Drunkenness [1]	0	0	0	1	5	6	1	5	6	-	-	-
Disorderly Conduct	40	177	217	62	189	251	22	12	34	55.0%	6.8%	15.7%
All Other	513	2,742	3,255	734	3020	3754	221	278	499	43.1%	10.1%	15.3%
SUB-TOTAL-Part 2 Offenses	**1,198**	**6,041**	**7,239**	**1,737**	**7022**	**8759**	**539**	**981**	**1520**	**45.0%**	**16.2%**	**21.0%**
All Offenses												
GRAND TOTAL	**1,522**	**6,932**	**8,454**	**2,148**	**7884**	**10032**	**626**	**952**	**1578**	**41.1%**	**13.7%**	**18.7%**

Source: Computed by author d from Crime in Maine, 1996 and 2004, Maine Department of Public Safety. [1] Drunkenness is not a crime in Maine.

Figure 3.2.5

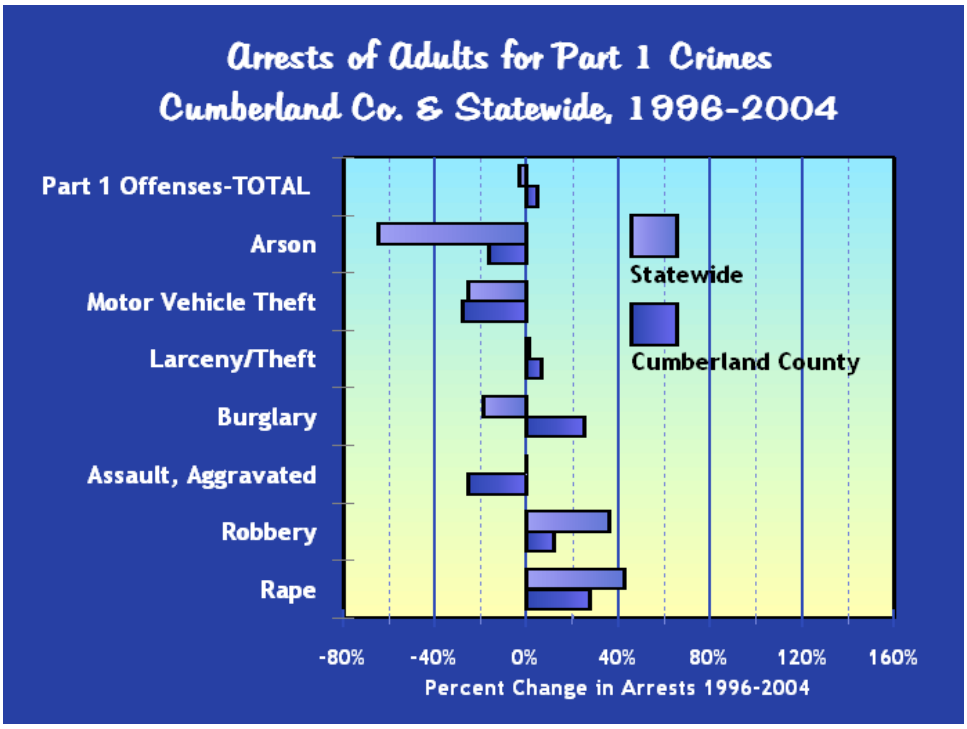


Figure 3.2.6

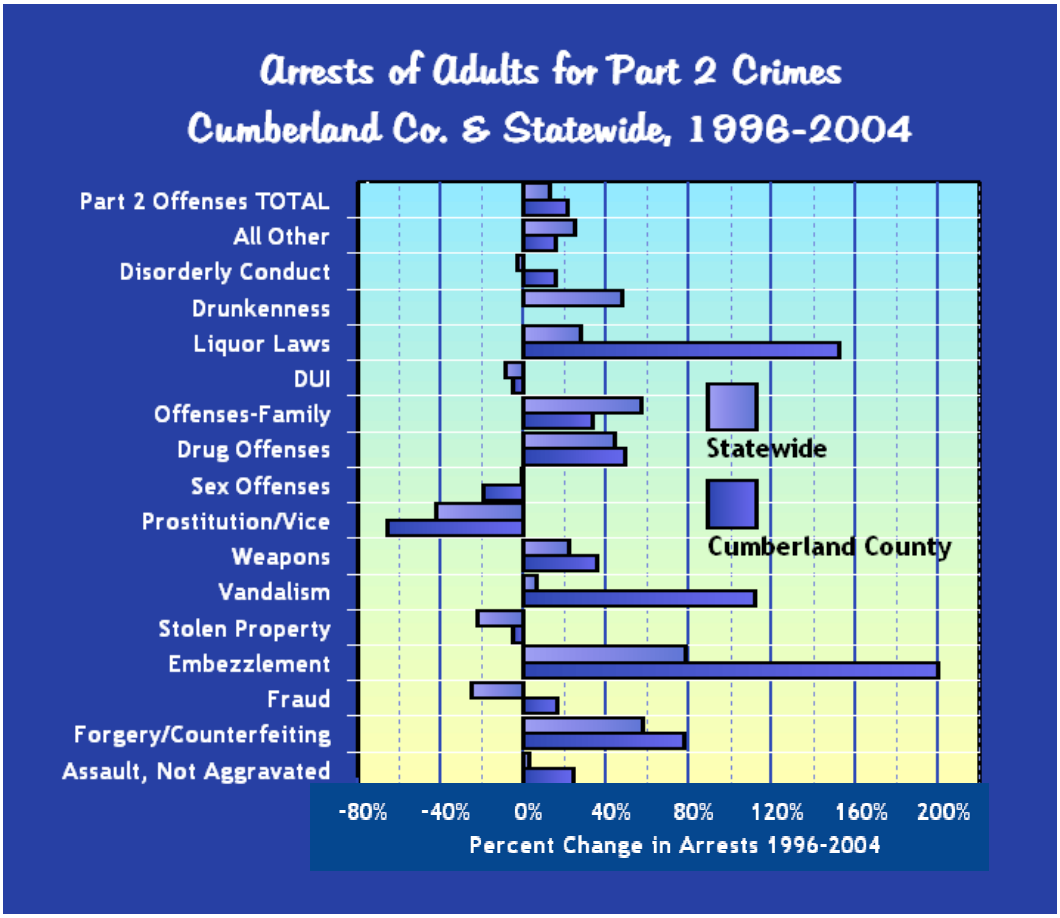


Table 3.2.4 Arrests of Adults, Statewide and Cumberland County Trends, 1996 - 2004

Offense	STATEWIDE						CUMBERLAND COUNTY					
	Change, 1996-2004			Percent Change, 1996-2004			Change, 1996-2004			Percent Change, 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Murder	2	(2)	0	-	-9.5%	0.0%	0	4	4	-	400%	400%
Rape	3	22	25	-	37.3%	42.4%	1	2	3	-	18.2%	27.3%
Robbery	0	36	36	0.0%	41.9%	36.0%	0	4	4	0.0%	12.9%	12.1%
Assault, Aggravated	15	(17)	(2)	17.6%	-4.2%	-0.4%	(4)	(24)	(28)	-20.0%	-26.7%	-25.5%
Burglary	64	(253)	(189)	108.5%	-26.5%	-18.6%	28	9	37	350%	6.5%	25.3%
Larceny/Theft	314	(279)	35	28.1%	-10.6%	0.9%	66	(11)	55	22.9%	-2.0%	6.5%
Motor Vehicle Theft	(1)	(70)	(71)	-3.7%	-28.0%	-25.6%	(3)	(13)	(16)	-60.0%	-25.0%	-28.1%
Arson	(4)	(29)	(33)	-66.7%	-64.4%	-64.7%	(1)	0	(1)	-100.0%	0.0%	-16.7%
Part 1 Offenses-TOTAL	**393**	**(592)**	**(199)**	**30.0%**	**-13.3%**	**-3.4%**	**85**	**(61)**	**58**	**26.2%**	**-6.8%**	**4.8%**
Part 2 Offenses												
Manslaughter	0	1	1	-	33.3%	33.3%	0	3	3	0.0%	-	-
Assault, Simple	358	(205)	153	35.8%	-4.4%	2.7%	58	166	224	33.9%	22.1%	24.3%
Forgery/Counterfeiting	72	43	115	130.9%	29.7%	57.5%	11	10	21	220.0%	45.5%	77.8%
Fraud	(82)	(247)	(329)	-14.0%	-33.2%	-24.7%	19	(4)	15	67.9%	-6.3%	16.5%
Embezzlement	6	5	11	75.0%	83.3%	78.6%	1	5	6	33.3%	-	200.0%
Stolen Property	9	(76)	(67)	22.5%	-29.1%	-22.3%	3	(5)	(2)	75.0%	-13.5%	-4.9%
Vandalism	2	65	67	1.4%	7.3%	6.5%	14	117	131	107.7%	112.5%	112.0%
Weapons	3	46	49	30.0%	21.5%	21.9%	1	27	28	25.0%	36.0%	35.4%
Prostitution/Vice	(6)	(13)	(19)	-35.3%	-46.4%	-42.2%	(1)	(18)	(19)	-16.7%	-78.3%	-65.5%
Sex Offenses	8	(9)	(1)	160.0%	-3.8%	-0.4%	3	(14)	(11)	-	-25.0%	-19.6%
Drug Abuse	583	886	1,469	135.6%	30.3%	43.9%	94	161	255	128.8%	36.0%	49.0%
Offenses-Family	52	67	119	144.4%	38.7%	56.9%	3	1	4	200.0%	7.7%	33.3%
DUI	94	(761)	(667)	7.0%	-11.8%	-8.5%	1	(85)	(84)	0.3%	-6.6%	-5.3%
Liquor Laws	159	408	567	42.3%	24.2%	27.5%	88	322	410	266.7%	136.4%	152.4%
Drunkenness	3	6	9	150.0%	35.3%	47.4%	1	5	6	-	-	-
Disorderly Conduct	12	(66)	(54)	3.2%	-5.0%	-3.2%	22	12	34	55.0%	6.8%	15.7%
All Other	1,264	1,843	3,107	60.9%	17.8%	25.0%	221	278	499	43.1%	10.1%	15.3%
Part 2 Offenses TOTAL	**2,537**	**2,263**	**4,800**	**39.0%**	**7.5%**	**13.1%**	**539**	**981**	**1,620**	**45.0%**	**16.2%**	**21.0%**
All Offenses												
GRAND TOTAL	**2,930**	**1,671**	**4,601**	**37.5%**	**4.8%**	**10.8%**	**626**	**952**	**1,678**	**41.1%**	**13.7%**	**18.7%**

Source: Computed from Crime in Maine, 1996 and 2004, Maine Department of Public Safety.

Table 3.2.5: Comparison of Arrests in Cumberland County by Arresting Agency, 1996 and 2004

Law Enforcement Agency	1996				2004				Change 1996-2004			Percent Change 1996-2004		
	Females	Males	Total	% of County's Arrests	Females	Males	Total	% of County's Arrests	Females	Males	Total	Females	Males	Total
Cumberland Sheriff	100	604	704	8.3%	242	894	1,136	11.3%	142	290	432	142%	48%	61%
Cape Elizabeth PD	4	30	34	0.4%	13	86	99	1.0%	9	56	65	225%	187%	191%
Falmouth PD	8	41	49	0.6%	18	42	60	0.6%	10	1	11	125%	2%	22%
Gorham PD	43	224	267	3.2%	105	317	422	4.2%	62	93	155	144%	42%	58%
Portland PD	366	2,191	2,557	30.2%	547	2,779	3,326	33.2%	181	588	769	49%	27%	30%
South Portland PD	214	663	877	10.4%	371	782	1,153	11.5%	157	119	276	73%	18%	31%
Scarborough PD	155	524	679	8.0%	168	581	749	7.5%	13	57	70	8%	11%	10%
Westbrook PD	144	656	800	9.5%	147	524	671	6.7%	3	(132)	(129)	2%	-20%	-16%
Bridgton PD	17	143	160	1.9%	12	100	112	1.1%	(5)	(43)	(48)	-29%	-30%	-30%
Cumberland PD	10	48	58	0.7%	25	77	102	1.0%	15	29	44	150%	60%	76%
Freeport PD	127	309	436	5.2%	50	152	202	2.0%	(77)	(157)	(234)	-61%	-51%	-54%
Yarmouth PD	23	92	115	1.4%	31	77	108	1.1%	8	(15)	(7)	35%	-16%	-6%
Windham PD	50	208	258	3.1%	61	192	253	2.5%	11	(16)	(5)	22%	-8%	-2%
State Police	71	468	539	6.4%	68	393	461	4.6%	(3)	(75)	(78)	-4%	-16%	-14%
Brunswick PD	143	543	686	8.1%	178	509	687	6.8%	35	(34)	1	24%	-6%	0%
USM	2	8	10	0.1%	78	284	362	3.6%	76	276	352	3800%	3450%	3520%
MDEA/LiqEnforce	45	180	225	2.7%	34	95	129	1.3%	(11)	(85)	(96)	-24%	-47%	-43%
TOTAL	**1,522**	**6,932**	**8,454**	**100.0%**	**2,148**	**7,884**	**10,032**	**100.0%**	**626**	**952**	**1,578**	**41%**	**14%**	**19%**

Source: Computed from *Crime in Maine*, 1996 and 2004, Maine Department of Public Safety

Table 3.2.6: Comparison of Reported Crimes and Law Enforcement Personnel in Cumberland County, 1996 & 2004 [1]

Law Enforcement Agency	1996						2004					
	Population Served	Reported Index Crimes	Percent of County's Reported Index Crime	Percent of County's Reported Index Crime RANK	Sworn Law Enforcement Officers		Population Served	Reported Index Crimes	Percent of County's Reported Index Crime	Percent of County's Reported Index Crime RANK	Sworn Law Enforcement Officers	
					Number	Per 1,000 Residents					Number	Per 1,000 Residents
Bridgton	4,343	295	2.8%	10	8	1.8	5,067	181	2.4%	9	8	1.6
Brunswick	21,093	631	6.0%	3	31	1.5	21,719	494	6.4%	4	33	1.5
Cape Elizabeth	8,931	145	1.4%	13	13	1.5	9,093	99	1.3%	13	13	1.4
Cumberland	5,886	64	0.6%	14	10	1.7	7,506	33	0.4%	14	11	1.5
Falmouth	7,676	196	1.9%	11	13	1.7	10,675	160	2.1%	10	16	1.5
Freeport	6,964	401	3.8%	8	12	1.7	8,036	151	2.0%	11	12	1.5
Gorham	11,960	308	2.9%	9	16	1.3	15,146	227	3.0%	8	21	1.4
Portland	61,803	4,800	45.5%	1	149	2.4	64,197	3,282	42.8%	1	158	2.5
Scarborough	12,629	515	4.9%	6	26	2.1	18,622	299	3.9%	7	32	1.7
Sheriff's Dept	**47,262**	**579**	**5.5%**	**5**	**43**	**0.9**	**49,349**	**629**	**8.2%**	**3**	**48**	**1.0**
South Portland	22,614	1,421	13.5%	2	52	2.3	23,761	1,121	14.6%	2	51	2.1
Westbrook	15,749	624	5.9%	4	26	2.1	16,193	467	6.1%	5	33	2.0
Windham	13,134	403	3.8%	7	20	1.5	15,584	420	5.5%	6	23	1.5
Yarmouth	7,931	157	1.5%	12	10	1.3	8,363	104	1.4%	12	12	1.4
Total	247,975	10,539	100.0%	n/a	429	1.7	273,311	7,667	100.0%		471	1.7

Source: Computed data reported in Crime in Maine, 1996 and 2004, Augusta: Maine Department of Public Safety.

[1] Table excludes USM Police Services and Maine State Police.

Figure 3.2.7

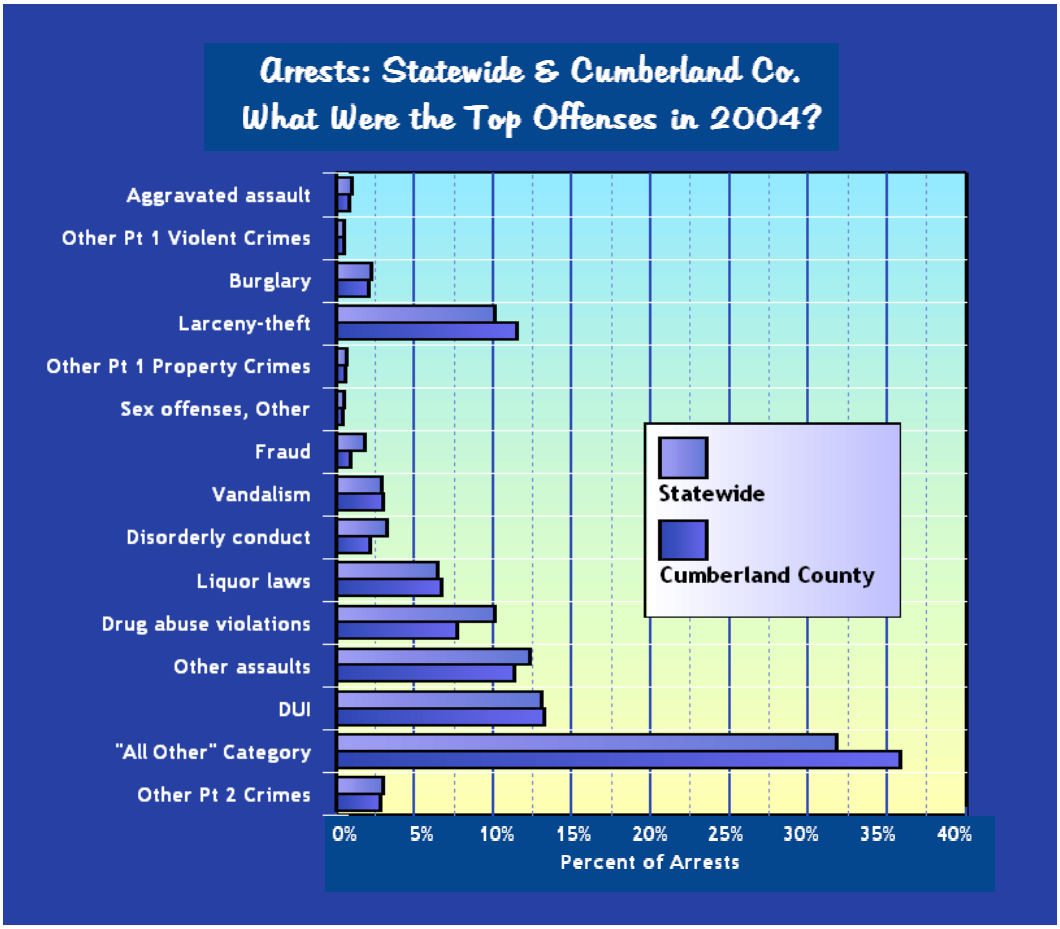


Figure 3.2.8

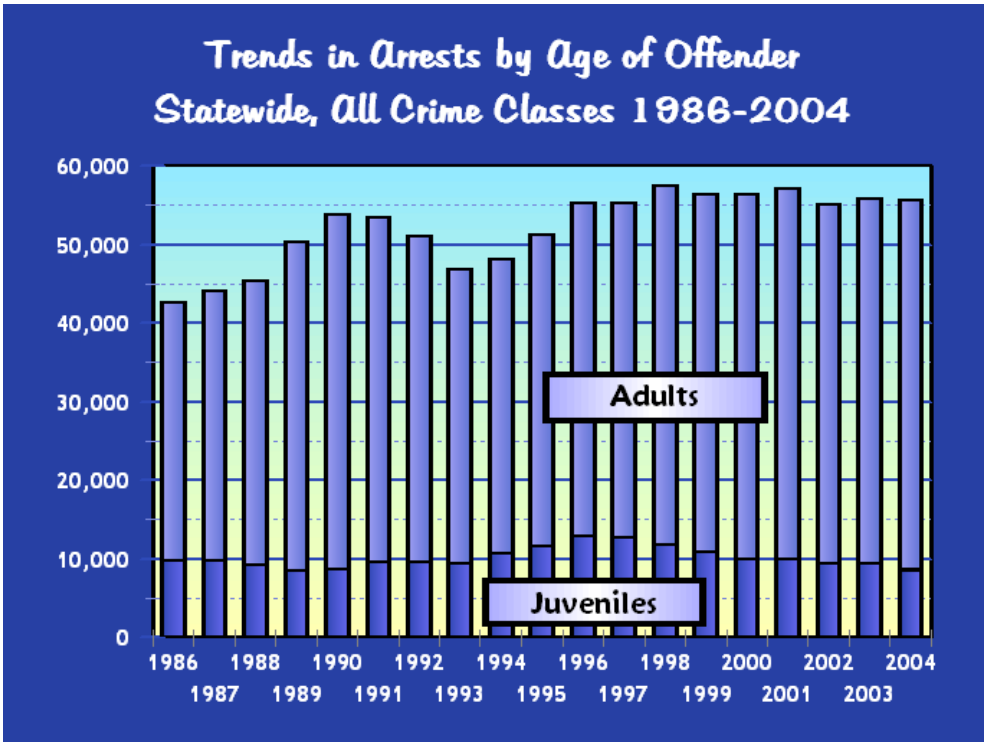
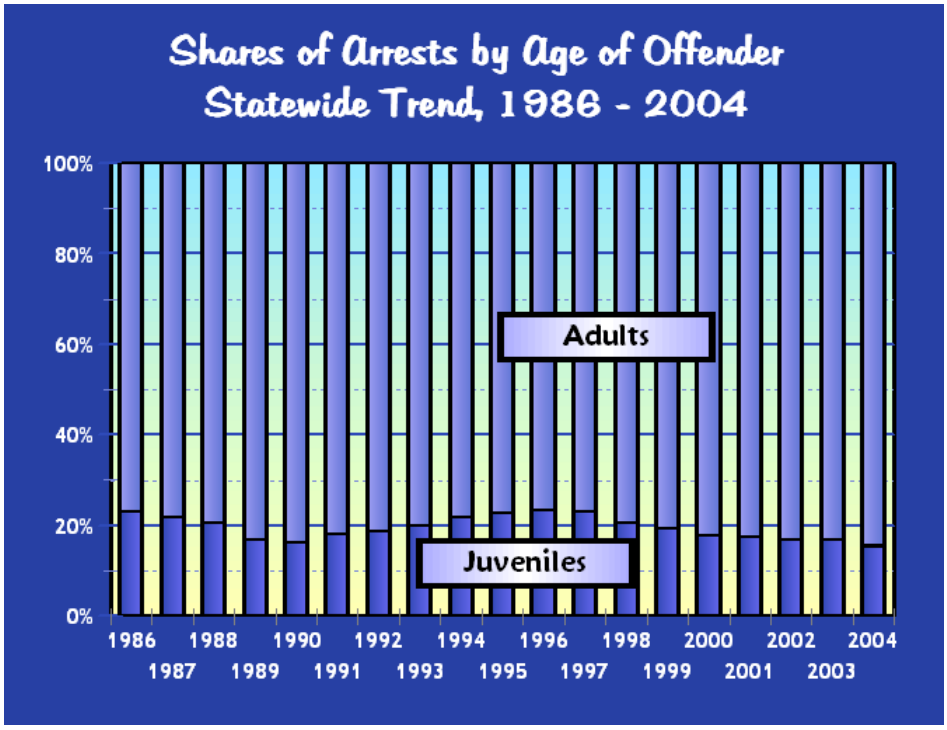


Figure 3.2.9



☞ The following graph separates the adult and juvenile trends. Notice that with the exception of 1994-97, juveniles arrests have tended to decline when adult arrests increase and increase when adult arrests decrease.

Figure 3.2.10

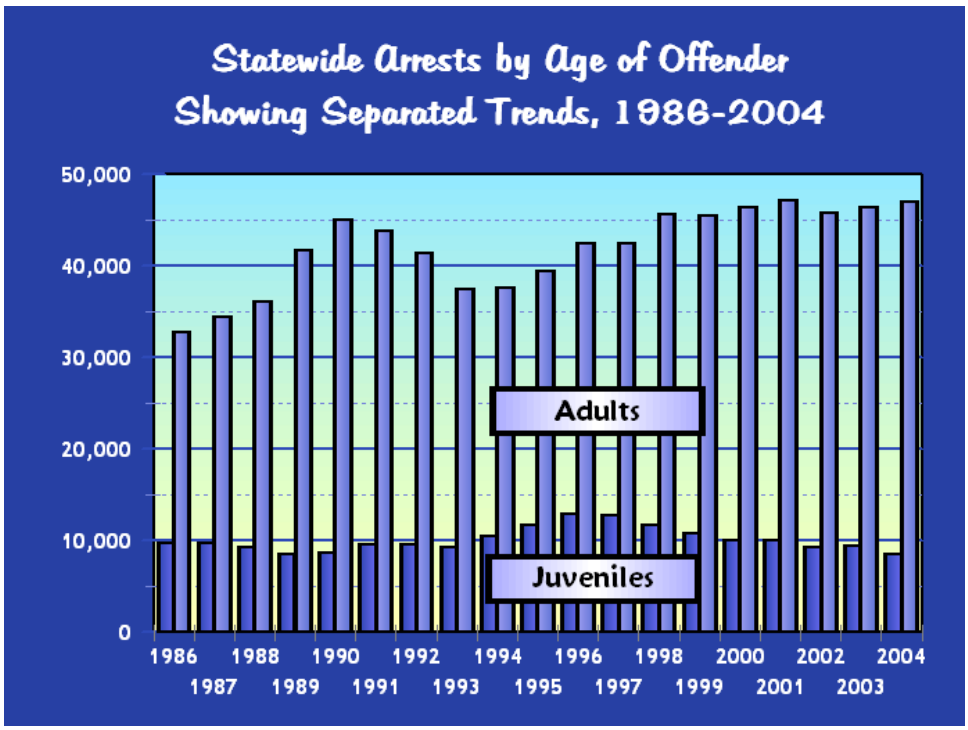


Figure 3.2.11

Notice that Cumberland County's arrests for arson, burglary, liquor laws, rape, disorderly conduct and especially drunkenness are well beneath the state as a whole. In contrast, sex offenses other than rape, aggravated assaults, offenses against family and children, possession of stolen property, and embezzlement and fraud are higher than the statewide pattern.

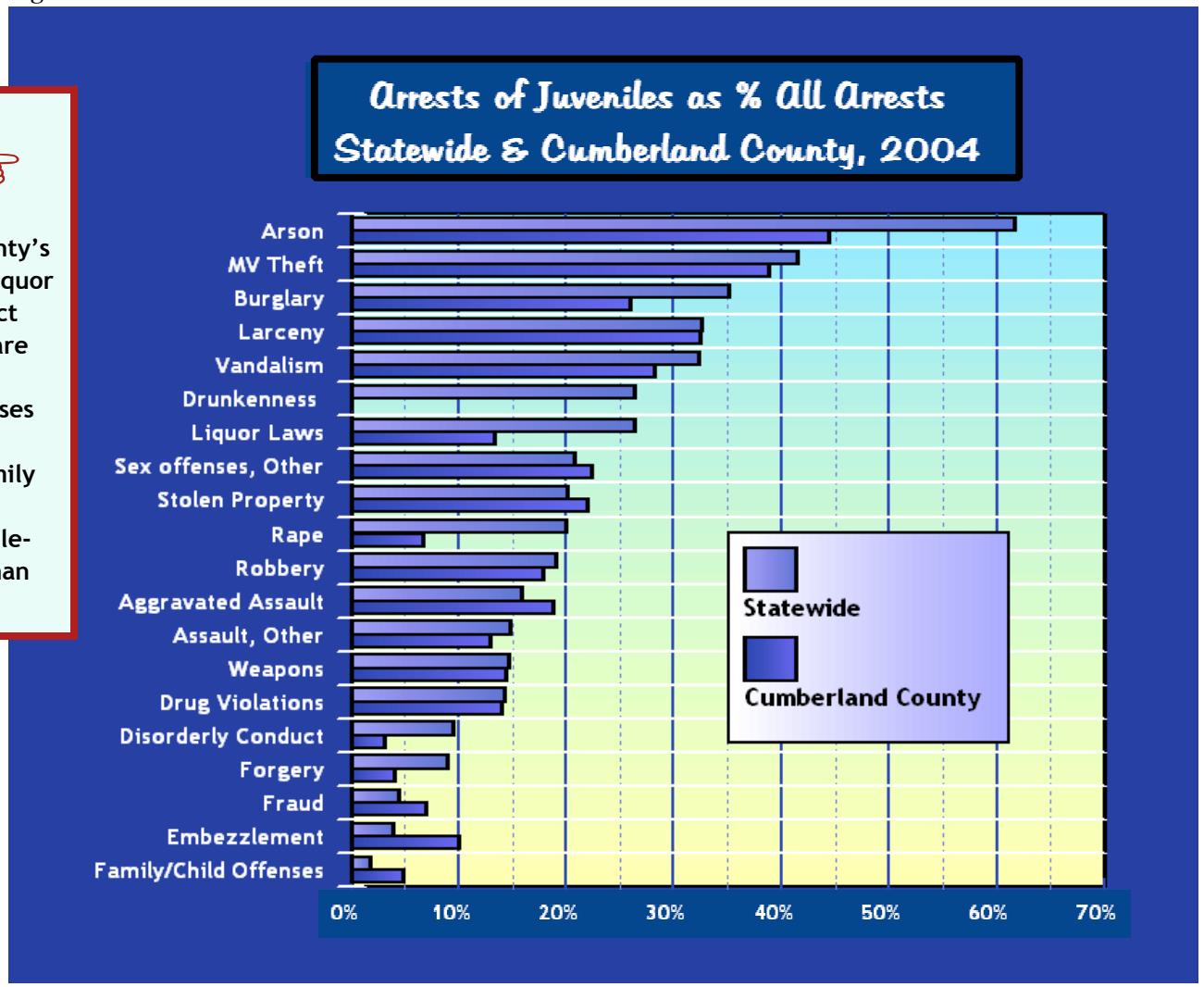


Table 3.2.7: The Top Offenses for Which Juveniles Were Arrested in Maine in 2004
Statewide and Cumberland County

Statewide			Cumberland County		
Rank	Offense	Percent of All Arrests of Juveniles	Rank	Offense	Percent of All Arrests of Juveniles
1	"All Other" Offense Category	21.8%	1	Larceny-theft	27.0%
2	Larceny-theft	21.5%	2	"All Other" Offense Category	26.1%
3	Non-Aggravated Assaults	11.8%	3	Non-Aggravated Assaults	10.5%
4	Liquor laws	11.0%	4	Drug abuse violations	7.8%
5	Drug abuse violations	9.4%	5	Liquor laws	6.5%
6	Vandalism	6.2%	6	Vandalism	6.0%
7	Burglary	5.2%	7	Burglary	4.0%
8	Disorderly conduct	2.0%	8	Runaways	3.0%
9	Runaways	1.9%	9	Driving under the influence	1.6%
10	Motor vehicle theft	1.7%	10	Motor vehicle theft	1.6%
11	Driving under the influence	1.6%	11	Aggravated assault	1.2%
12	Aggravated assault	1.1%	12	Weapons	1.1%

Table 3.2.8: Comparison of Arrests of Juveniles in Maine, by Gender, 1996 and 2004

Offense	1996			2004			Change 1996-2004			Percent Change 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Murder	0	1	1	0	0	0	0	(1)	(1)	-	-100.0%	-100.0%
Rape	1	17	18	1	20	21	0	3	3	0.0%	17.6%	16.7%
Robbery	10	74	84	5	27	32	(5)	(47)	(52)	-50.0%	-63.5%	-61.9%
Assault, Aggravated	23	106	129	12	80	92	(11)	(26)	(37)	-47.8%	-24.5%	-28.7%
Burglary	108	995	1,103	41	406	447	(67)	(589)	(656)	-62.0%	-59.2%	-59.5%
Larceny/Theft	1,077	2,343	3,420	807	1,026	1,833	(270)	(1,317)	(1,587)	-25.1%	-56.2%	-46.4%
Motor Vehicle Theft	35	213	248	41	105	146	6	(108)	(102)	17.1%	-50.7%	-41.1%
Arson	11	83	94	4	25	29	(7)	(58)	(65)	-63.6%	-69.9%	-69.1%
TOTAL-Part 1 Offenses	1,265	3,832	5,097	911	1,689	2,600	(354)	(2,143)	(2,497)	-28.0%	-55.9%	-49.0%
Part 2 Offenses												
Manslaughter	0	0	0	0	0	0	0	0	0	-	-	-
Assault, Not Aggravated	388	905	1,293	342	669	1,011	(46)	(236)	(282)	-11.9%	-26.1%	-21.8%
Forgery/Counterfeiting	20	23	43	6	25	31	(14)	2	(12)	-70.0%	8.7%	-27.9%
Fraud	9	30	39	16	31	47	7	1	8	77.8%	3.3%	20.5%
Embezzlement	0	0	0	0	1	1	0	1	1	-	-	-
Stolen Property	21	117	138	11	48	59	(10)	(69)	(79)	-47.6%	-59.0%	-57.2%
Vandalism	87	858	945	97	429	526	10	(429)	(419)	11.5%	-50.0%	-44.3%
Weapons	1	87	88	4	43	47	3	(44)	(41)	300.0%	-50.6%	-46.6%
Prostitution/Vice	1	4	5	0	3	3	(1)	(1)	(2)	-100.0%	-25.0%	-40.0%
Sex Offenses	0	76	76	3	60	63	3	(16)	(13)	-	-21.1%	-17.1%
Drug Offenses	95	641	736	160	646	806	65	5	70	68.4%	0.8%	9.5%
Offenses-Family	1	3	4	2	4	6	1	1	2	100.0%	33.3%	50.0%
DUI	31	123	154	25	110	135	(6)	(13)	(19)	-19.4%	-10.6%	-12.3%
Liquor Laws	223	547	770	318	620	938	95	73	168	42.6%	13.3%	21.8%
Drunkenness	7	9	16	0	10	10	(7)	1	(6)	-100.0%	11.1%	-37.5%
Disorderly Conduct	66	205	271	54	116	170	(12)	(89)	(101)	-18.2%	-43.4%	-37.3%
All Other	531	1,983	2,514	491	1,368	1,859	(40)	(615)	(655)	-7.5%	-31.0%	-26.1%
Curfew & Loitering	26	74	100	22	47	69	(4)	(27)	(31)	-15.4%	-36.5%	-31.0%
Runaways	344	223	567	90	68	158	(254)	(155)	(409)	-73.8%	-69.5%	-72.1%
TOTAL-Part 2 Offenses	**1,851**	**5,908**	**7,759**	**1,641**	**4,298**	**5,939**	**(210)**	**(1,610)**	**(1,820)**	**-11.3%**	**-27.3%**	**-23.5%**
GRAND TOTAL	**3,116**	**9,740**	**12,856**	**2,552**	**5,987**	**8,539**	**(564)**	**(3,753)**	**(4,317)**	**-18.1%**	**-38.5%**	**-33.6%**

Source: Computed from F.B.I Uniform Crime Reports and Crime in Maine, 1996 and 2004, Maine Department of Public Safety

Table 3.2.9: Comparison of Arrests of Juveniles in Cumberland County, by Gender, 1996 & 2004

Offense	1996			2004			Change, 1996-2004			Percent Change, 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Murder	0	0	0	0	0	0	0	0	0	-	-	-
Rape	1	4	5	0	1	1	(1)	(3)	(4)	-100.0%	-75.0%	-80.0%
Robbery	1	15	16	0	8	8	(1)	(7)	(8)	-100.0%	-46.7%	-50.0%
Assault, Aggravated	3	35	38	3	16	19	0	(19)	(19)	0.0%	-54.3%	-50.0%
Burglary	15	147	162	2	62	64	(13)	(85)	(98)	-86.7%	-57.8%	-60.5%
Larceny/Theft	303	544	847	275	161	436	(28)	(383)	(411)	-9.2%	-70.4%	-48.5%
Motor Vehicle Theft	2	36	38	6	20	26	4	(16)	(12)	200.0%	-44.4%	-31.6%
Arson	0	10	10	0	4	4	0	(6)	(6)	-	-60.0%	-60.0%
TOTAL-Part 1 Offenses	325	791	1,116	286	272	558	(39)	(519)	(558)	-12.0%	-65.6%	-50.0%
Part 2 Offenses												
Manslaughter	0	0	0	0	0	0	0	0	0	-	-	-
Assault, Not Aggravated	51	134	185	51	119	170	0	(15)	(15)	0.0%	-11.2%	-8.1%
Forgery/Counterfeiting	1	0	1	0	2	2	(1)	2	1	-100.0%	-	100.0%
Fraud	4	2	6	2	6	8	(2)	4	2	-50.0%	200.0%	33.3%
Embezzlement	0	0	0	0	1	1	0	1	1	-	-	-
Stolen Property	2	9	11	4	7	11	2	(2)	0	100.0%	-22.2%	0.0%
Vandalism	19	129	148	14	83	97	(5)	(46)	(51)	-26.3%	-35.7%	-34.5%
Weapons	1	24	25	2	16	18	1	(8)	(7)	100.0%	-33.3%	-28.0%
Prostitution/Vice	0	0	0	0	0	0	0	0	0	-	-	-
Sex Offenses	0	18	18	0	13	13	0	(5)	(5)	-	-27.8%	-27.8%
Drug Offenses	23	131	154	28	98	126	5	(33)	(28)	21.7%	-25.2%	-18.2%
Offenses-Family	0	1	1	0	1	1	0	0	0	-	0.0%	0.0%
DUI	3	16	19	5	21	26	2	5	7	66.7%	31.3%	36.8%
Liquor Laws	35	77	112	32	72	104	(3)	(5)	(8)	-8.6%	-6.5%	-7.1%
Drunkenness	0	1	1	0	0	0	0	(1)	(1)	-	-100.0%	-100.0%
Disorderly Conduct	4	13	17	1	7	8	(3)	(6)	(9)	-75.0%	-46.2%	-52.9%
All Other (UCR Category)	79	268	347	125	295	420	46	27	73	58.2%	10.1%	21.0%
Curfew & Loitering	0	2	2	1	0	1	1	(2)	(1)	-	-100.0%	-50.0%
Runaways	104	62	166	23	25	48	(81)	(37)	(118)	-77.9%	-59.7%	-71.1%
TOTAL-Part 2 Offenses	**326**	**887**	**1,213**	**288**	**766**	**1,054**	**(38)**	**(121)**	**(159)**	**-11.7%**	**-13.6%**	**-13.1%**
GRAND TOTAL	**651**	**1,678**	**2,329**	**574**	**1,038**	**1,612**	**(77)**	**(640)**	**(717)**	**-11.8%**	**-38.1%**	**-30.8%**

Source: Computed from F.B.I Uniform Crime Reports and Crime in Maine, 1996 and 2004, Maine Department of Public Safety.

Table 3.2.10: Comparison of Trends in Arrests of Juveniles, Statewide & Cumberland County, 1996 & 2004

Offense	Statewide						Cumberland County					
	Change, 1996-2004			Percent Change, 1996-2004			Change, 1996-2004			Percent Change, 1996-2004		
	Females	Males	Total	Females	Males	Total	Females	Males	Total	Females	Males	Total
Part 1 Offenses												
Murder	0	(1)	(1)	-	-100.0%	-100.0%	0	0	0	-	-	-
Rape	0	3	3	0.0%	17.6%	16.7%	(1)	(3)	(4)	-100.0%	-75.0%	-80.0%
Robbery	(5)	(47)	(52)	-50.0%	-63.5%	-61.9%	(1)	(7)	(8)	-100.0%	-46.7%	-50.0%
Assault, Aggravated	(11)	(26)	(37)	-47.8%	-24.5%	-28.7%	0	(19)	(19)	0.0%	-54.3%	-50.0%
Burglary	(67)	(589)	(656)	-62.0%	-59.2%	-59.5%	(13)	(85)	(98)	-86.7%	-57.8%	-60.5%
Larceny/Theft	(270)	(1,317)	(1,587)	-25.1%	-56.2%	-46.4%	(28)	(383)	(411)	-9.2%	-70.4%	-48.5%
Motor Vehicle Theft	6	(108)	(102)	17.1%	-50.7%	-41.1%	4	(16)	(12)	200.0%	-44.4%	-31.6%
Arson	(7)	(58)	(65)	-63.6%	-69.9%	-69.1%	0	(6)	(6)	-	-60.0%	-60.0%
Part 1 Offenses-TOTAL	(354)	(2,143)	(2,497)	-28.0%	-55.9%	-49.0%	(39)	(519)	(558)	-12.0%	-65.6%	-50.0%
Part 2 Offenses												
Manslaughter	0	0	0	-	-	-	0	0	0	-	-	-
Assault, Not Aggravated	(46)	(236)	(282)	-11.9%	-26.1%	-21.8%	0	(15)	(15)	0.0%	-11.2%	-8.1%
Forgery/Counterfeiting	(14)	2	(12)	-70.0%	8.7%	-27.9%	(1)	2	1	-100.0%	-	100.0%
Fraud	7	1	8	77.8%	3.3%	20.5%	(2)	4	2	-50.0%	200.0%	33.3%
Embezzlement	0	1	1	-	-	-	0	1	1	-	-	-
Stolen Property	(10)	(69)	(79)	-47.6%	-59.0%	-57.2%	2	(2)	0	100.0%	-22.2%	0.0%
Vandalism	10	(429)	(419)	11.5%	-50.0%	-44.3%	(5)	(46)	(51)	-26.3%	-35.7%	-34.5%
Weapons	3	(44)	(41)	300.0%	-50.6%	-46.6%	1	(8)	(7)	100.0%	-33.3%	-28.0%
Prostitution/Vice	(1)	(1)	(2)	-100.0%	-25.0%	-40.0%	0	0	0	-	-	-
Sex Offenses	3	(16)	(13)	-	-21.1%	-17.1%	0	(5)	(5)	-	-27.8%	-27.8%
Drug Offenses	65	5	70	68.4%	0.8%	9.5%	5	(33)	(28)	21.7%	-25.2%	-18.2%
Offenses-Family	1	1	2	100.0%	33.3%	50.0%	0	0	0	-	0.0%	0.0%
DUI	(6)	(13)	(19)	-19.4%	-10.6%	-12.3%	2	5	7	66.7%	31.3%	36.8%
Liquor Laws	95	73	168	42.6%	13.3%	21.8%	(3)	(5)	(8)	-8.6%	-6.5%	-7.1%
Drunkenness	(7)	1	(6)	-100.0%	11.1%	-37.5%	0	(1)	(1)	-	-100.0%	-100.0%
Disorderly Conduct	(12)	(89)	(101)	-18.2%	-43.4%	-37.3%	(3)	(6)	(9)	-75.0%	-46.2%	-52.9%
All Other	(40)	(615)	(655)	-7.5%	-31.0%	-26.1%	46	27	73	58.2%	10.1%	21.0%
Curfew & Loitering	(4)	(27)	(31)	-15.4%	-36.5%	-31.0%	1	(2)	(1)	-	-100.0%	-50.0%
Runaways	(254)	(155)	(409)	-73.8%	-69.5%	-72.1%	(81)	(37)	(118)	-77.9%	-59.7%	-71.1%
Part 2 Offenses TOTAL	**(210)**	**(1,610)**	**(1,820)**	**-11.3%**	**-27.3%**	**-23.5%**	**(38)**	**(121)**	**(159)**	**-11.7%**	**-13.6%**	**-13.1%**
GRAND TOTAL	**(564)**	**(3,753)**	**(4,317)**	**-18.1%**	**-38.5%**	**-33.6%**	**(77)**	**(640)**	**(717)**	**-11.8%**	**-38.1%**	**-30.8%**

Source: Computed from F.B.I Uniform Crime Reports and Crime in Maine, 1996 and 2004, Maine Department of Public Safety

Table 3.2.11: Analysis of Statewide Arrests of Juveniles, by Gender and by Offense, 2004

OFFENSES	Analysis of Arrests of Juveniles by Gender and by Offense					Juvenile Arrests as % of All Arrests for Offense
	Females		Males		Total Number of Juveniles Arrested	
	Number	% of Total Arrests for Offense	Number	% of Total Arrests for Offense		
Murder & non-negligent manslaughter	0	-	0	-	0	**0.0%**
Forcible rape	1	4.8%	20	95.2%	21	**20.0%**
Robbery	5	15.6%	27	84.4%	32	**19.0%**
Aggravated assault	12	13.0%	80	87.0%	92	**15.9%**
Sub-Total: Pt 1 Violent	**18**	**12.4%**	**127**	**87.6%**	**145**	**16.6%**
Burglary	41	9.2%	406	90.8%	447	**35.1%**
Larceny-theft	807	44.0%	1,026	56.0%	1,833	**32.6%**
Motor vehicle theft	41	28.1%	105	71.9%	146	**41.5%**
Arson	4	13.8%	25	86.2%	29	**61.7%**
Sub-Total: Pt 1 Property	**893**	**36.4%**	**1,562**	**63.6%**	**2,455**	**33.6%**
Sub-Total: Part 1 Offenses	**911**	**35.0%**	**1,689**	**65.0%**	**2,600**	**31.8%**
Manslaughter, Negligent	0	-	0	-	0	**0.0%**
Other assaults	342	33.8%	669	66.2%	1,011	**14.7%**
Forgery/Counterfeiting	6	19.4%	25	80.6%	31	**9.0%**
Fraud	16	34.0%	31	66.0%	47	**4.5%**
Embezzlement	0	0.0%	1	100.0%	1	**3.8%**
Stolen Property	11	18.6%	48	81.4%	59	**20.1%**
Vandalism	97	18.4%	429	81.6%	526	**32.3%**
Weapons	4	8.5%	43	91.5%	47	**14.7%**
Prostitution & Vice	0	0.0%	3	100.0%	3	**10.3%**
Sex offenses, Other	3	4.8%	60	95.2%	63	**20.7%**
Drug abuse violations	160	19.9%	646	80.1%	806	**14.3%**
Offenses family/children	2	33.3%	4	66.7%	6	**1.8%**
DUI	25	18.5%	110	81.5%	135	**1.9%**
Liquor laws	318	33.9%	620	66.1%	938	**26.3%**
Drunkenness	0	0.0%	10	100.0%	10	**26.3%**
Disorderly conduct	54	31.8%	116	68.2%	170	**9.4%**
All other offenses	491	26.4%	1,368	73.6%	1,859	**10.5%**
Curfew/Loitering	22	31.9%	47	68.1%	69	**100.0%**
Runaways	90	57.0%	68	43.0%	158	**100.0%**
Sub-Total: Part II Offenses	**1,641**	**27.6%**	**4,298**	**72.4%**	**5,939**	**12.5%**
Total-All Offenses	**2,552**	**29.9%**	**5,987**	**70.1%**	**8,539**	**15.4%**

Source of Data: Computed from 2004 Uniform Crime Reports and Crime in Maine 2004, Maine Department of Public Safety.

Table 3.2.12: Analysis of Arrests of Juveniles in Cumberland County, by Gender & Offense, 2004

OFFENSES	Analysis of Arrests of Juveniles by Gender and by Offense					Juvenile Arrests as % of All Arrests for Offense
	Females		Males		Total Number of Juveniles Arrested	
	Number	% of Total Arrests for Offense	Number	% of Total Arrests for Offense		
Murder & non-negligent manslaughter	0	-	0	-	0	**0.0%**
Forcible rape	0	0.0%	1	100.0%	1	**6.7%**
Robbery	0	0.0%	8	100.0%	8	**17.8%**
Aggravated assault	3	15.8%	16	84.2%	19	**18.8%**
Sub-Total: Pt 1 Violent	**3**	**10.7%**	**25**	**89.3%**	**28**	**16.9%**
Burglary	2	3.1%	62	96.9%	64	**25.9%**
Larceny-theft	275	63.1%	161	36.9%	436	**32.5%**
Motor vehicle theft	6	23.1%	20	76.9%	26	**38.8%**
Arson	0	0.0%	4	100.0%	4	**44.4%**
Sub-Total: Pt 1 Property	**283**	**53.4%**	**247**	**46.6%**	**530**	**31.8%**
All Part 1 Offenses	**286**	**51.3%**	**272**	**48.7%**	**558**	**30.5%**
Manslaughter, Negligent	0	-	0	-	0	**0.0%**
Other assaults	51	30.0%	119	70.0%	170	**12.9%**
Forgery/Counterfeiting	0	0.0%	2	100.0%	2	**4.0%**
Fraud	2	25.0%	6	75.0%	8	**7.0%**
Embezzlement	0	0.0%	1	100.0%	1	**10.0%**
Stolen Property	4	36.4%	7	63.6%	11	**22.0%**
Vandalism	14	14.4%	83	85.6%	97	**28.1%**
Weapons	2	11.1%	16	88.9%	18	**14.4%**
Prostitution & Vice	0	ERR	0	ERR	0	**0.0%**
Sex offenses, Other	0	0.0%	13	100.0%	13	**22.4%**
Drug abuse violations	28	22.2%	98	77.8%	126	**14.0%**
Offenses against family and children	0	0.0%	1	100.0%	1	**4.8%**
DUI	5	19.2%	21	80.8%	26	**1.7%**
Liquor laws	32	30.8%	72	69.2%	104	**13.3%**
Drunkenness	0	0	0	0	0	**0.0%**
Disorderly conduct	1	12.5%	7	87.5%	8	**3.1%**
All other offenses	125	29.8%	295	70.2%	420	**10.1%**
Curfew/Loitering	1	100.0%	0	0.0%	1	**100.0%**
Runaways	23	47.9%	25	52.1%	48	**100.0%**
All Part II Offenses	**288**	**27.3%**	**766**	**72.7%**	**1,054**	**10.7%**
Total-All Offenses	**574**	**35.6%**	**1,038**	**64.4%**	**1,612**	**13.8%**

Source of Data: Computed from 2004 Uniform Crime Reports and Crime in Maine 2004, Maine Department of Public Safety.

3.3 Some Other Relevant Trends

Trends in crime in crime as influenced by the number of people in the age range from the early teen years to the mid-to late forties, economic conditions, opportunities to commit crimes, and many other factors. One important factor identified by sociologists is community structure and how well people know their neighbors: larger communities and places with a lot of in and out migration will have more crime. Some of the same forces influence the number of arrests, especially the size of the population in the age range most likely to be involved in crime. Arrest and crime rates diverge for many reasons, including clearance rates (which are influenced by community structure, too) and police practices. In this section, we will consider two factors shown to be important to arrest rates, and in turn, demand for the jail. First, we will look at trends in the youth population in Cumberland County. Then we will look at recent trends in arrests by race.

Youth Population Trends in Cumberland County

Like much of the data that various committees and commissions have been using to study Maine's corrections system, over-aggregation of statewide population data has created an impression of trend that does not necessarily apply to every county. Cumberland County's trends both drive state averages, due tot he large population, but also differ greatly from the average. Figure 3.3.1 and 3.3.2 and Table 3.3.1 show trends in the youth population by town. As Figure 3.3.1 shows, most towns have been experiencing rapid increases in their youth population. In contrast, Portland, the largest community, saw very slow growth, while South Portland, the second largest city, saw modest growth.

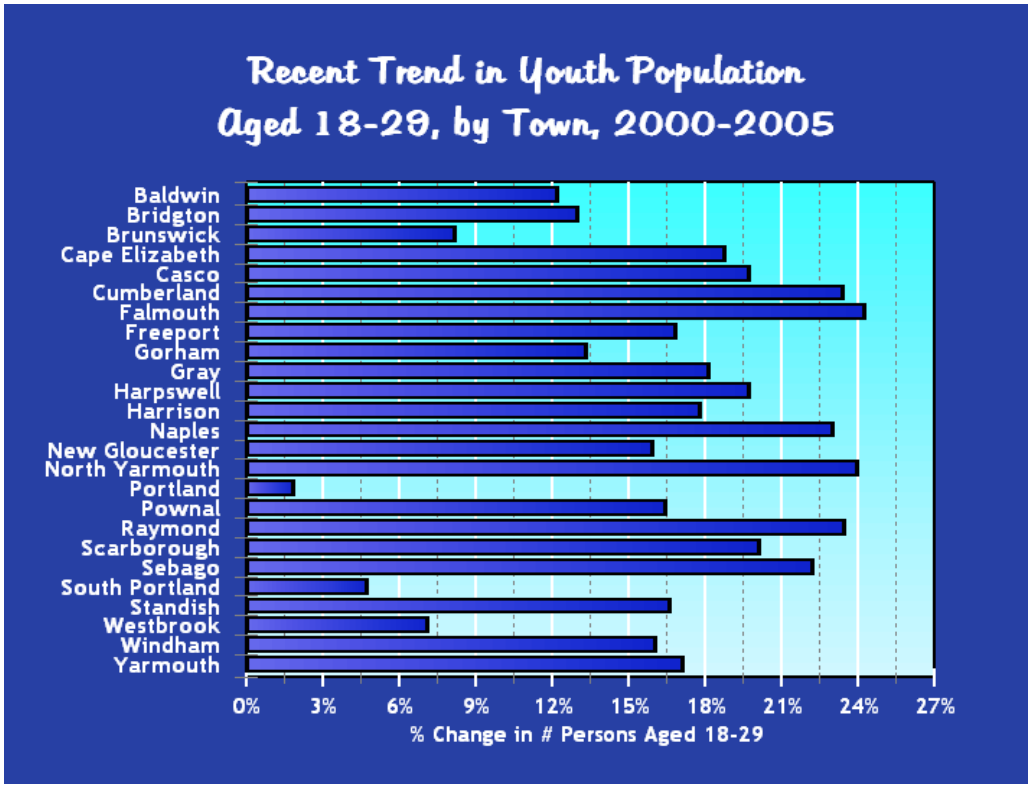


Figure 3.3.1

Some important points emerge from a review of Table 3.3.1 and the graphs of trends in Cumberland County's youth population.

✔ In the aggregate, with Portland included, Cumberland County's trends tend to mirror the state. However, with Portland excluded, the trend diverges, with Cumberland County showing significantly more growth in the critical ages than the state as a whole.

✔ In addition to being weighted by Portland, Cumberland County's trend reflects the slower growth in the two large, older Portland suburbs of South Portland and Westbrook.

✔ When all other towns in Cumberland County are considered, a very different picture emerges, one of very rapid increase during the period 2000-2005, with a projected continuing albeit slowed rate.

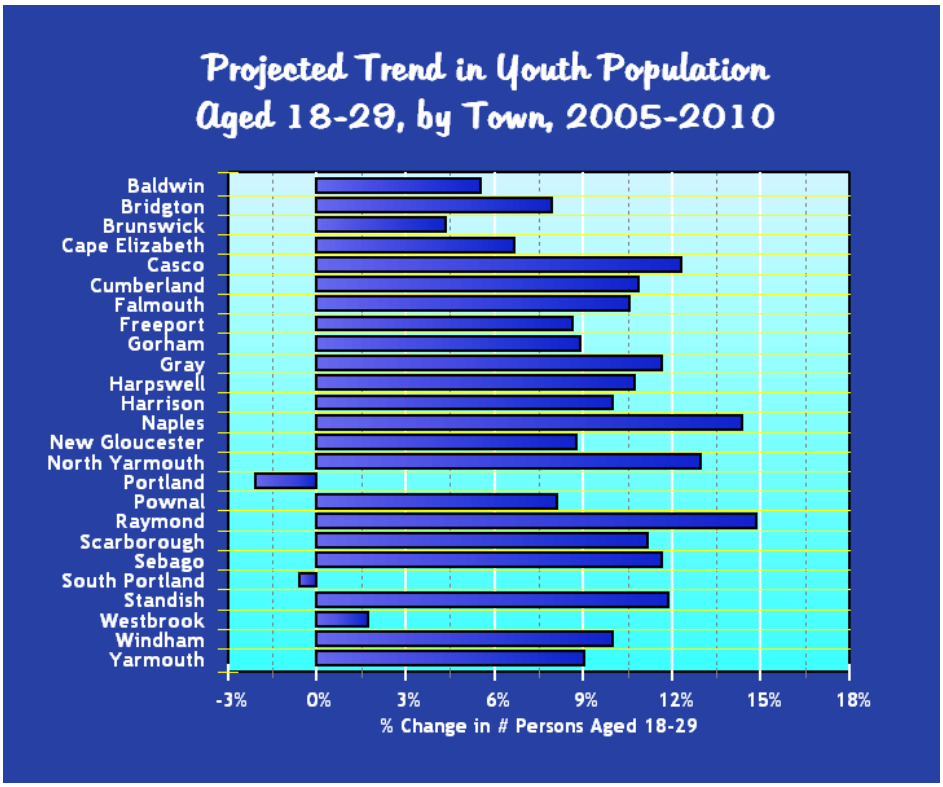
✔ The rates of increase for the two time periods are most rapid in towns served by the Sheriff, with a growth between 2000 and 2005 almost double the state average and projected growth between 2005 and 2010 that is nearly triple the state average.

Rapid increases to the comparatively small populations of younger people in suburban and rural areas of Cumberland County are not likely to produce a large increase in arrests. However, these trends do suggest a growing role for the Sheriff's Department in both enforcement, prevention, and juvenile diversion. The rapid increases in younger persons in suburbs of Portland that are both close in and further out also suggest the need for prevention and diversion programming. Taken together, Cumberland County is presented with a significant opportunity to craft and coordinate the implementation of prevention and juvenile justice diversion programming.

Table 3.3.1.: Population Trends and Projections Through 2010, by Municipality, Residents Aged 18-29

	Percent Change	
Municipality	2000-2005	Projected 2005-2010
Baldwin	12.2%	5.5%
Bridgton	13.0%	7.9%
Brunswick	8.1%	4.4%
Cape Elizabeth	18.8%	6.7%
Casco	19.7%	12.3%
Cumberland	23.4%	10.9%
Falmouth	24.2%	10.6%
Freeport	16.8%	8.6%
Gorham	13.3%	8.9%
Gray	18.2%	11.7%
Harpswell	19.7%	10.8%
Harrison	17.8%	10.0%
Naples	23.0%	14.3%
New Gloucester	15.9%	8.8%
North Yarmouth	24.0%	13.0%
Portland	1.8%	-2.1%
Pownal	16.4%	8.1%
Raymond	23.5%	14.8%
Scarborough	20.1%	11.2%
Sebago	22.2%	11.7%
South Portland	4.7%	-0.6%
Standish	16.6%	11.9%
Westbrook	7.1%	1.7%
Windham	16.0%	10.0%
Yarmouth	17.1%	9.0%
Cumberland County	**9.5%**	**4.4%**
Cumberland County Excluding Portland	**13.4%**	**7.3%**
Average for Towns Served by Sheriff's Department	**19.1%**	**11.1%**
Statewide	**10.2%**	**3.9%**

Figure 3.3.2



Arrests in Maine by Race

Maine's incarceration rate historically has been very low compared with other states. Many people interpret this difference as an indication that we have a much lower "taste" or "policy preference" for incarceration. In reality, when incarceration data is sub-divided by race, Maine's incarceration rates for blacks and other people of color is very high relative to rates for white people. Recently, the rate at which we incarcerate blacks has doubled, placing Maine very close to the national average.

A review of Table 3.3.2 shows that in 2001, Maine's overall incarceration rate was just over one-third the U.S. rate, or 222 people per 100,000 residents compared with 639 in all states. Our incarceration rate for females was very low, both absolutely and relative to the U.S. Notice, however, that our incarceration rate for white people was 201, compared with 926 for blacks and 518 for Hispanic persons. The incarceration rate for blacks was 4.6 times the incarceration rate for whites. For the U.S., blacks were incarcerated at a rate that was 6 times the rate for whites. Maine's disparity, while lower than for the U.S. as a whole, was troubling.

Between 2001 and 2005, things worsened substantially, with Maine's incarceration rate for blacks more than doubling, from 926 per 100,000 to 1,992 per 100,000, and achieving 87% of the U.S. average. The incarceration rate for whites also increased in Maine, driven by the growth in arrests of females, but the rate of increase was only one-quarter of the increase for blacks. By 2005, the rate at which blacks are being jailed had accelerated to the point where it now is 7.6 times higher than the rate at which whites are incarcerated, and exceeds the U.S. disparity of 5.6 to 1.

Table 3.3.2: Incarceration Rates by Race, Maine Compared with All States, 2001 & 2005

Per 100,000 Residents Who Are:	Incarceration Rate Per 100,000 Residents				Change, 2001-2005			
	2001		2005		Maine		All States	
	Maine	All States	Maine	All States	Number	Percent	Number	Percent
White	201	366	262	412	61	30.3%	46	12.6%
Black	926	2,209	1,992	2,290	1,066	115.1%	81	3.7%
Hispanic	518	759	n/a	742	n/a	n/a	-17	-2.2%
Male	434	1,208	513	1,249	79	18.2%	41	3.4%
Female	25	105	44	121	19	76.0%	16	15.2%
All	222	639	273	928	51	23.0%	289	45.2%

Source: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Bulletin, Prison and Jail Inmates at Midyear Series. Computed from data in Table 16 from 2001 edition; Tables 12 and 14 from 2005 edition.

Generally about 7% of the inmates in the Cumberland County Jail are black and another 6 percent people of color. Since people of color make up approximately 1% of Maine's population, these percentages are much higher than expected, if race is not influencing arrests. About 8% of the participants in the Divert Offenders to Treatment program are black, which suggests that black people with mental illness may be more likely to be arrested than white people with mental illness. These issues merit close scrutiny.

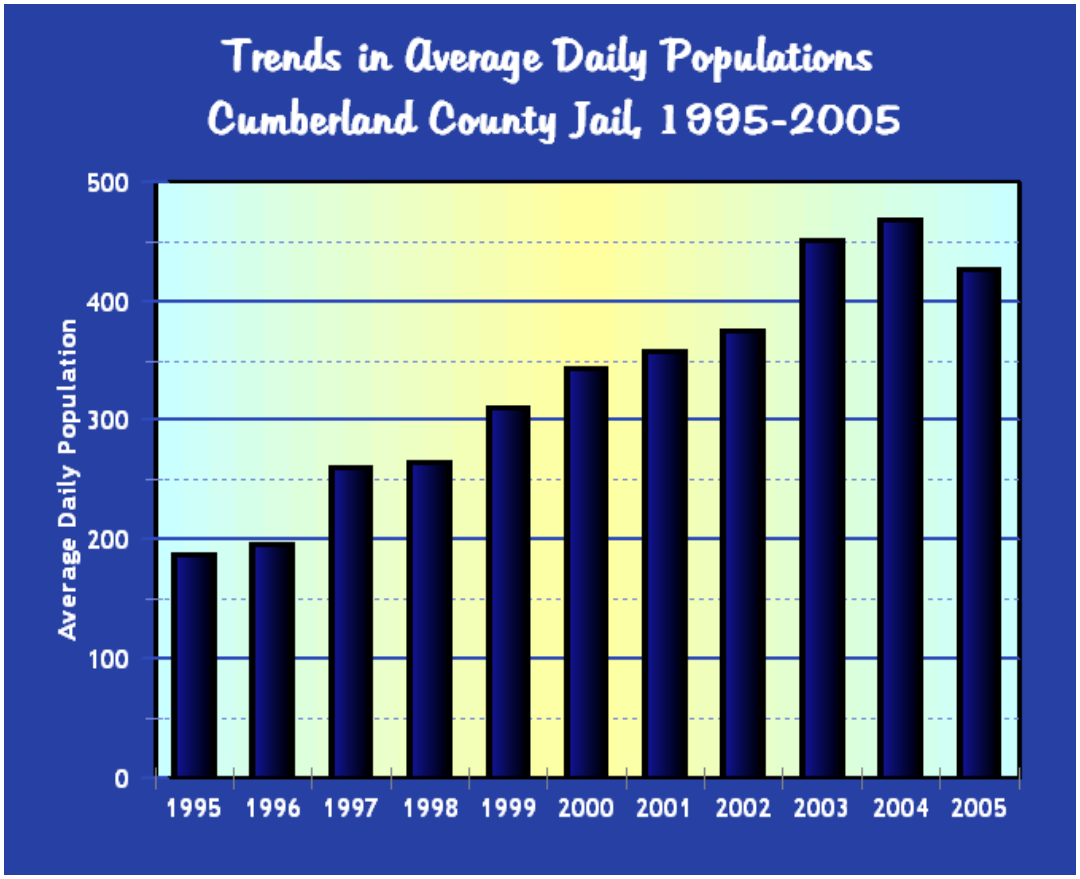
Maine has a rapidly increasing Black population. The August 5th headline in the Portland Press Herald read: "Demographic Shift, State's Minorities Booming, Maine's black population doubles." The article reported: "the number of blacks in Maine nearly doubled between 2000 and 2005, but the state still has the nation's whitest population, according to data released Friday by the U.S. Census Bureau" (p.1). If we are responding to the state's increasing diversity by increasing the rate at which we arrest people of color, then we have a problem.

3.4 Trends in Jail Populations

As has been evident throughout this section, widespread views about trends turn out to be either overstated or incorrect, the product of data that is too aggregated, which disguises a diversity of situations. The graphs in this section make it clear that (1) Cumberland County data has been weighting statewide data, thereby providing a sense of share experience that is not always supported by separated data, and (2) Cumberland County's experiences and trends set it apart from many other jails.

As Figure 3.4.1 shows, growth in the average daily population of the Cumberland County jail has been fairly steep since the early days of the new facility in 1995. Table 3.4.1 and Figure 3.4.2 make it clear that the increases experienced in Cumberland County are not typical of the state, with Cumberland

Figure 3.4.1



showing significantly more growth. Between 1995 and 2005, the average daily population of the Cumberland County Jail increased by 147%. While this growth rate lagged behind the percent increases of some smaller jails, it nonetheless placed 4th among the counties. However, when we consider the numbers of persons added to the state's incarcerated population, Cumberland County is by far the leader.

✔ Over the decade, the average daily population of the Cumberland County Jail increased by 274 inmates, more than double the next largest increase of 122 in York County. This growth explains approximately one-third of the statewide increase.

Part of the increase in the average daily population Cumberland County Jail reflects a growing boarding population, as Figure 3.4.6 shows. A greatly increased female population is another important element of recent jail population dynamics, as several graphs in this section and Table 3.4.2 underscore.

✔ As figure 3.4.7 reveals, the number of females incarcerated in the Cumberland County Jail is extremely large relative to the rest of the state and has grown much more over the decade.

Figure 3.4.8 shows that increases in the numbers of females in jails explains varying amounts of overall growth in average daily population, with Washington County far and away the highest at 45%. Growth in the female ADP explains between 31% and 23% of the overall increase in Waldo, Piscataquis, Knox, Aroostook, Hancock and Kennebec counties. Although Cumberland has seen a major numeric increase in female inmates, this group explains only about 15% of the overall increase in inmates. The unexpected increases in females housed in jails has placed significant pressure on jails that were not constructed to serve such a large number of women. As of 2005, the Aroostook, Kennebec, Hancock,

and Cumberland County jails are exceeding appreciably the capacity dedicated to housing women, as Figure 3.4.9 shows. Figure 3.4.10 reveals that there is a substantial difference in some counties between the percentages of admissions who are females and the female percentage of ADP. Females have shorter stays in all jails, with the disparity between admissions and ADP especially significant in Androscoggin, Lincoln, and Somerset counties.

Table 3.4.1: Trends in Jail Populations by County, 1995-2005

	Number of Inmates		Change 1995-2005	
	1995	2005	Number	Percent
Androscoggin	78	125	47	61%
Aroostook	50	84	34	67%
Cumberland	187	462	274	147%
Franklin	14	27	13	94%
Hancock	21	53	32	155%
Kennebec	100	170	10	70%
Knox	30	66	36	119%
Lincoln	17	48	31	183%
Oxford	26	45	19	72%
Penobscot	103	173	70	68%
Piscataquis	20	26	6	28%
Somerset	48	71	23	47%
Waldo	20	43	23	116%
Washington	31	51	20	66%
York	65	187	122	189%
Mean	54	109	55	99%
TOTAL	810	1662	852	105%

Figure 3.4.2

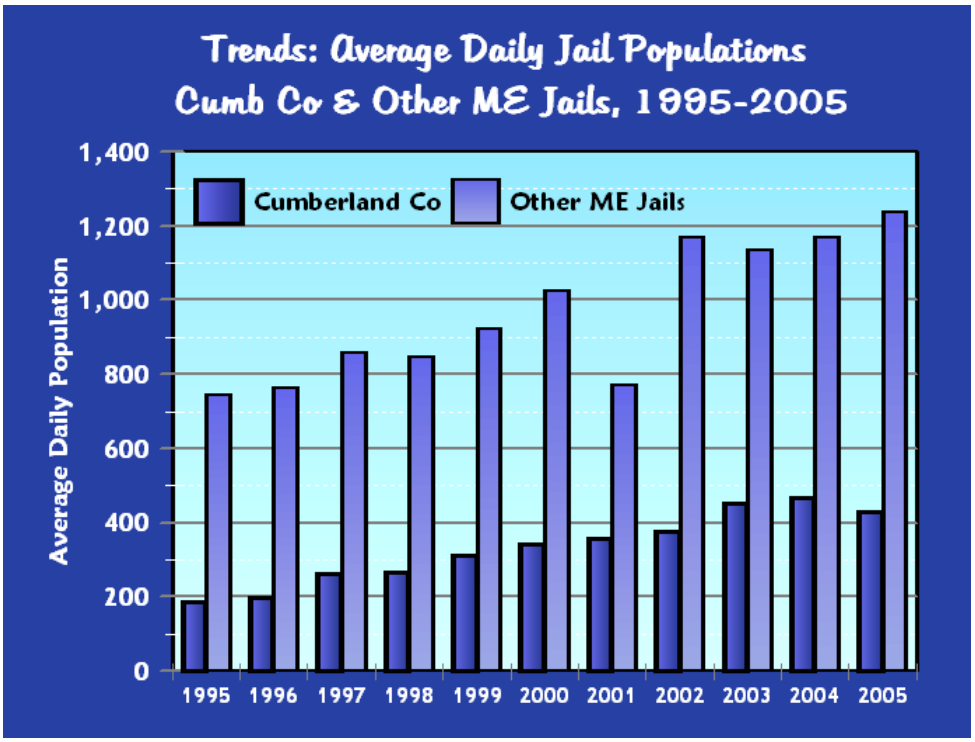


Figure 3.4.3

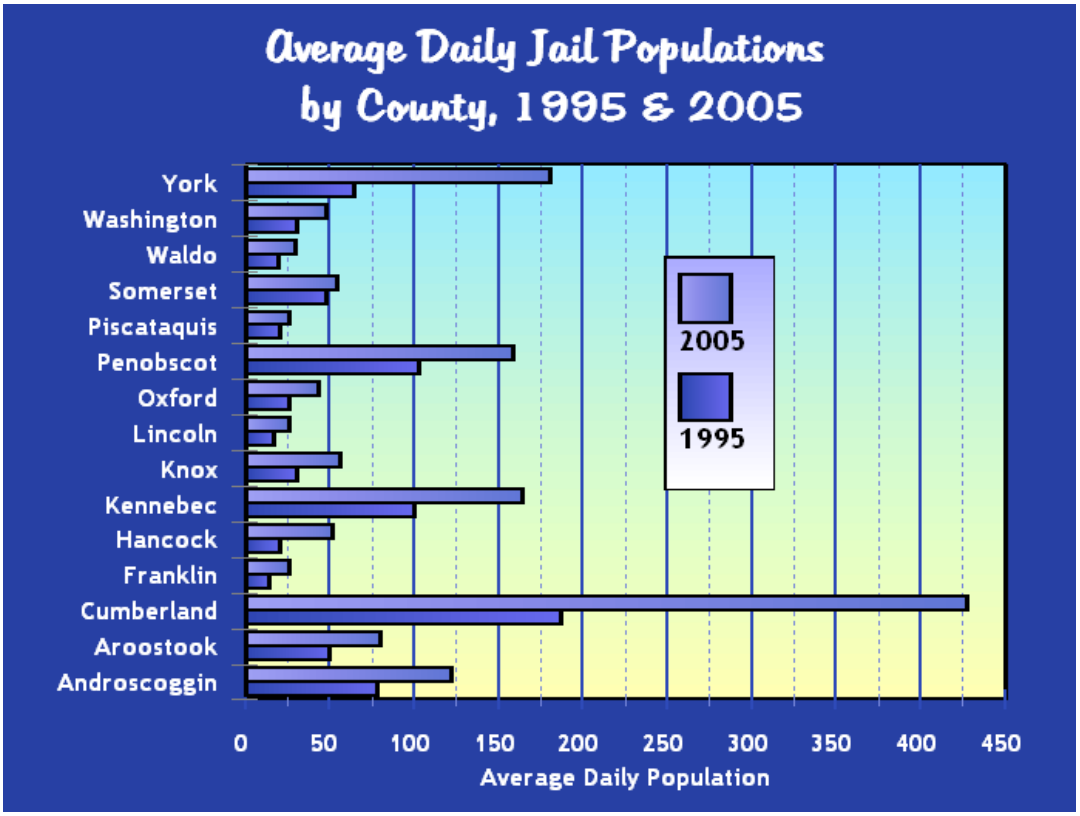


Figure 3.4.4

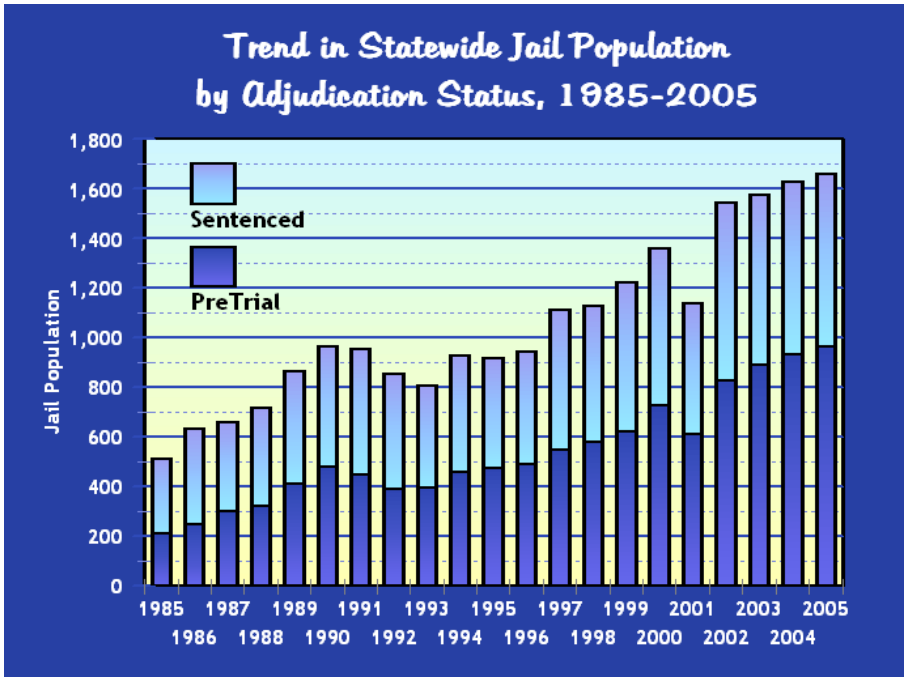
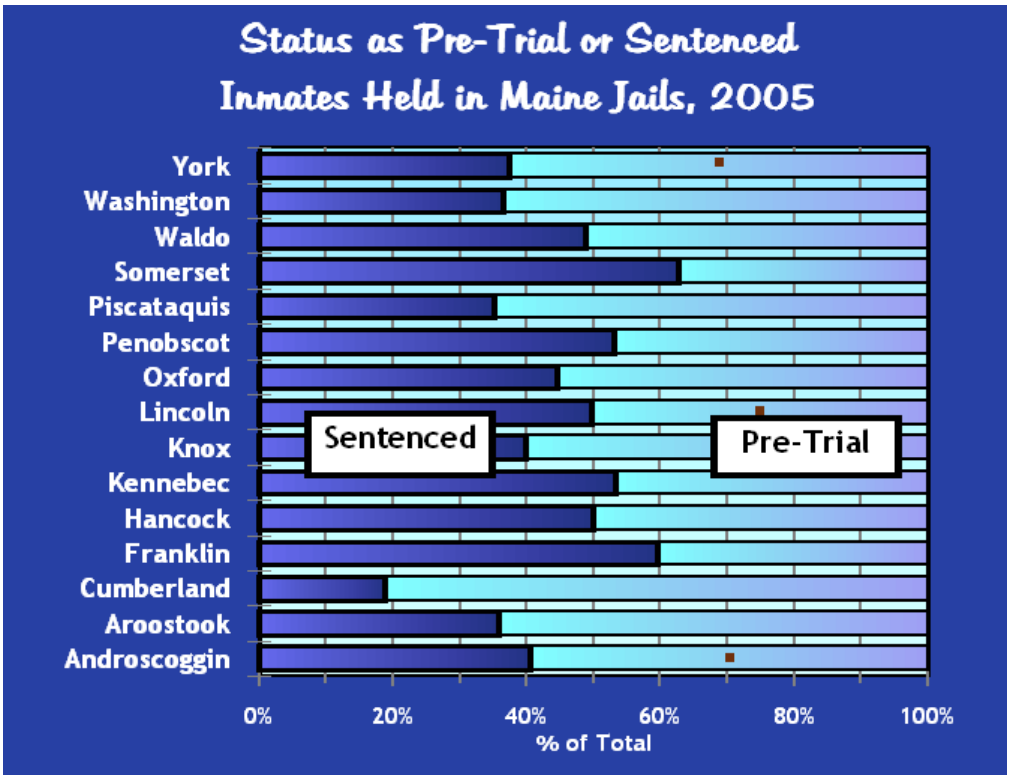
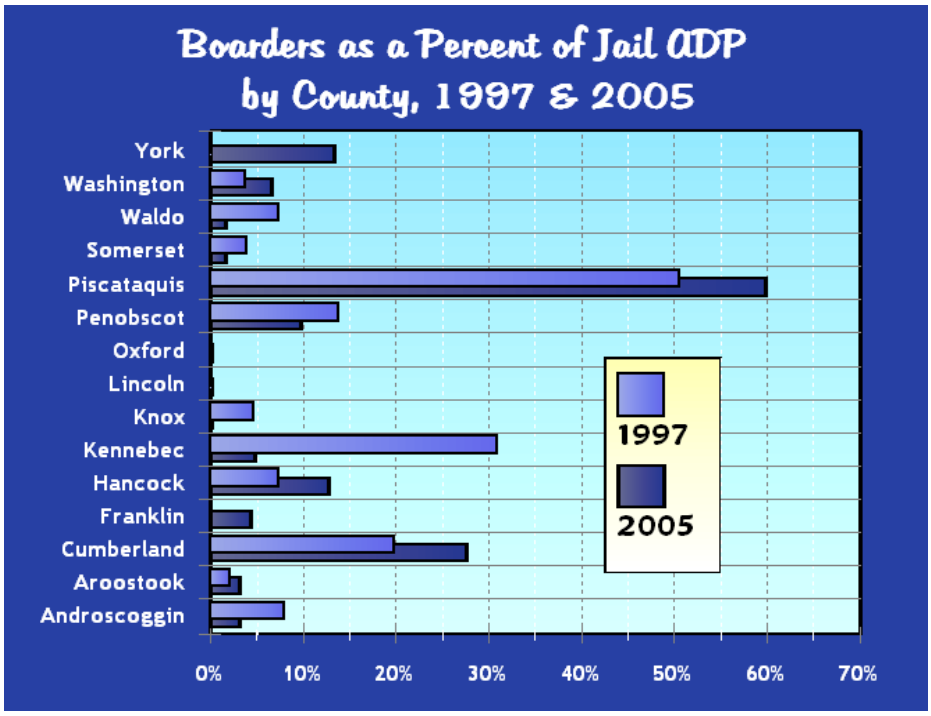


Figure 3.4.5



Although much discussion has been devoted to the currently large share of pre-trial inmates, when the data is separated by county it becomes clear that this issue does not affect all counties. The Cumberland County Jail has a much higher percentage of pre-trial persons than any other jail. Evaluation of the reasons for the high pre-trial percentages and solutions need to be targeted to those counties where this pattern is evident, especially Cumberland.

Figure 3.4.6



Relative to their respective ADPs, Piscataquis and Cumberland counties are the primary boarding sites in Maine. Both counties have seen a noticeable increase since 1997 in the share of daily populations who are boarders. Because the Cumberland County jail has a much higher ADP now than in 1997, and is much larger than other jails, the percentage of total understates the significance of the sizable boarding population to the jail.

Figure 3.4.7

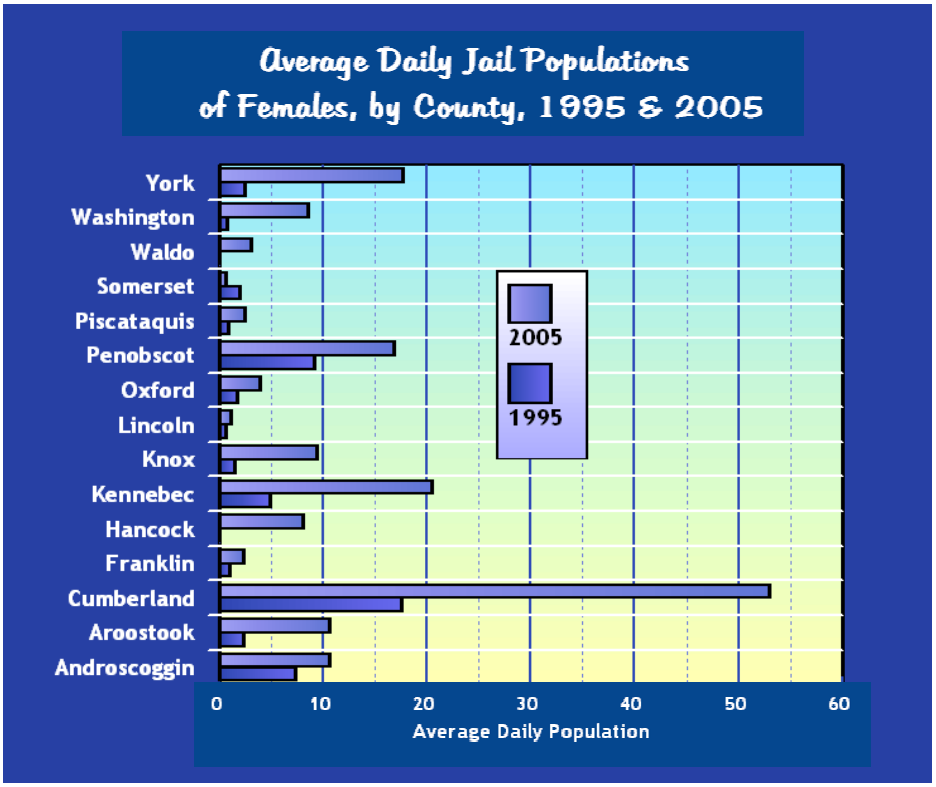


Table 3.4.2: Average Daily In-House Population Served, by Gender, 1995 and 2005

County	1995				2005				Percent Change, 1995-2005		
	Average Daily In-House Jail Populations, By Gender			Females as Percent Total	Average Daily In-House Jail Populations, By Gender			Females as Percent Total			
	Males	Females	Total		Males	Females	Total		Males	Females	Total
Androscoggin	71	7	78	9.4%	111	11	122	8.8%	57%	45%	56%
Aroostook	48	2	50	4.7%	69	11	80	13.3%	45%	352%	59%
Cumberland	170	17	187	9.3%	375	53	428	12.4%	121%	203%	128%
Franklin	13	1	14	6.9%	23	2	26	9.1%	79%	142%	83%
Hancock	21	0	21	0.2%	43	8	51	15.7%	108%	-	147%
Kennebec	95	5	100	5.0%	143	20	164	12.5%	52%	311%	65%
Knox	29	1	30	4.9%	47	9	56	16.7%	63%	538%	86%
Lincoln	16	1	17	3.7%	25	1	26	4.6%	53%	91%	55%
Oxford	24	2	26	7.0%	40	4	44	8.9%	65%	117%	69%
Penobscot	94	9	103	8.9%	141	17	158	10.7%	51%	84%	53%
Piscataquis	19	1	20	4.2%	23	2	26	9.6%	20%	190%	27%
Somerset	46	2	48	4.3%	54	1	55	1.2%	17%	-68%	13%
Waldo	20	0	20	0.3%	27	3	30	10.3%	34%	-	49%
Washington	30	1	31	2.4%	40	9	48	17.8%	31%	1084%	56%
York	62	2	65	3.8%	163	18	181	9.8%	161%	615%	179%
Statewide	758	52	810	6.5%	1325	169	1494	11.3%	75%	222%	84%

Source of Data: Maine Department of Corrections.

Figure 3.4.8

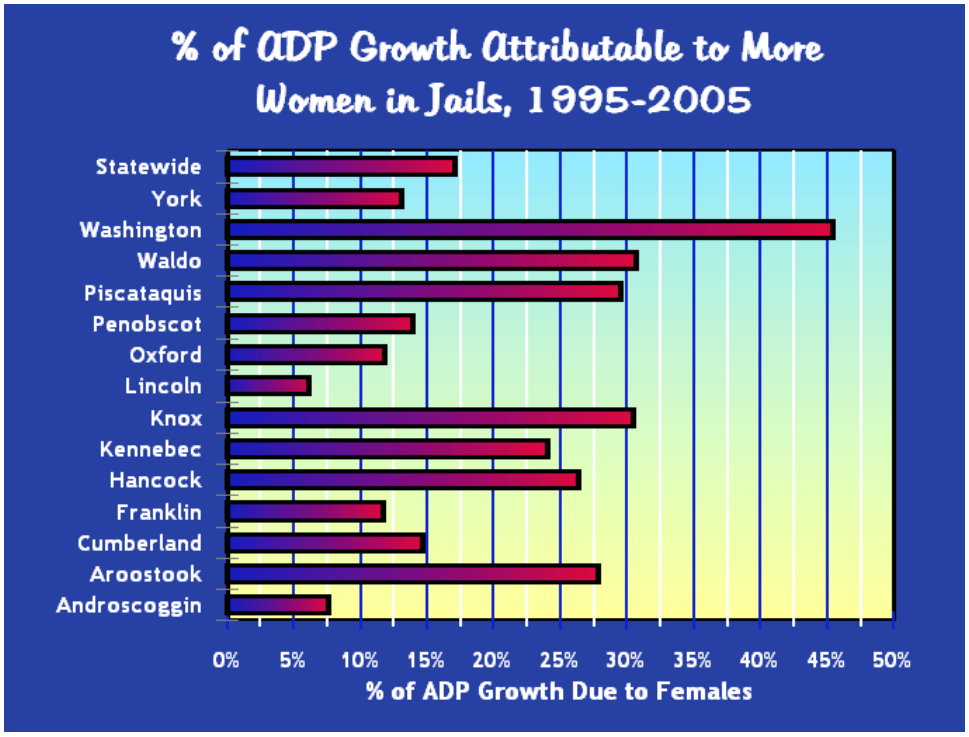


Figure 3.4.9

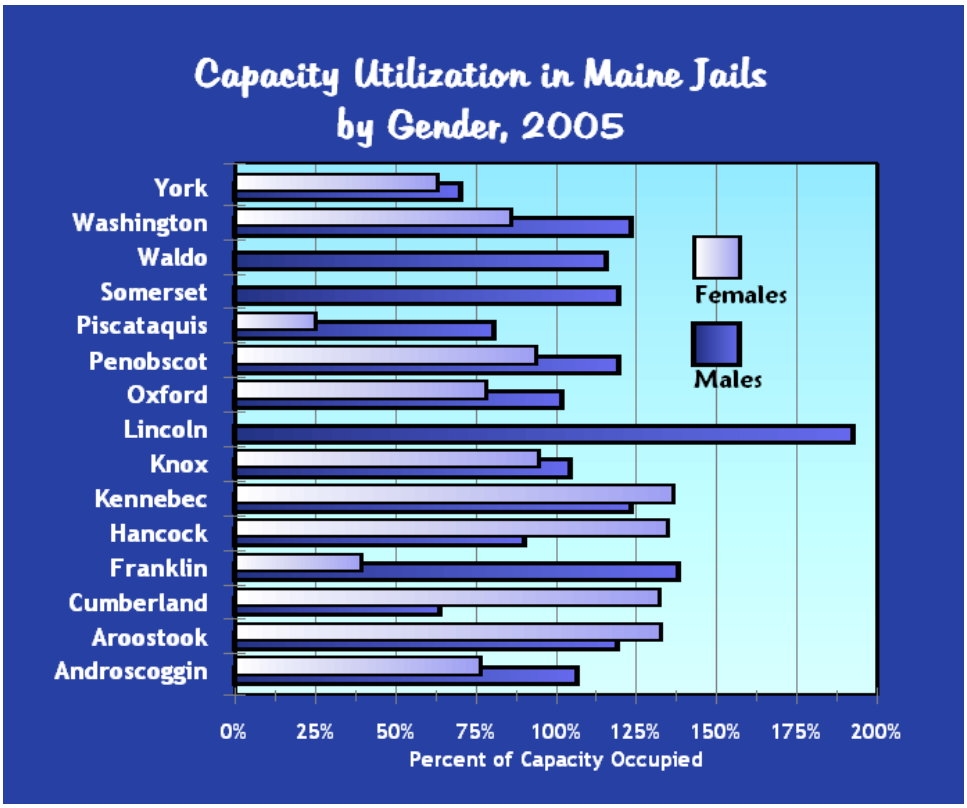
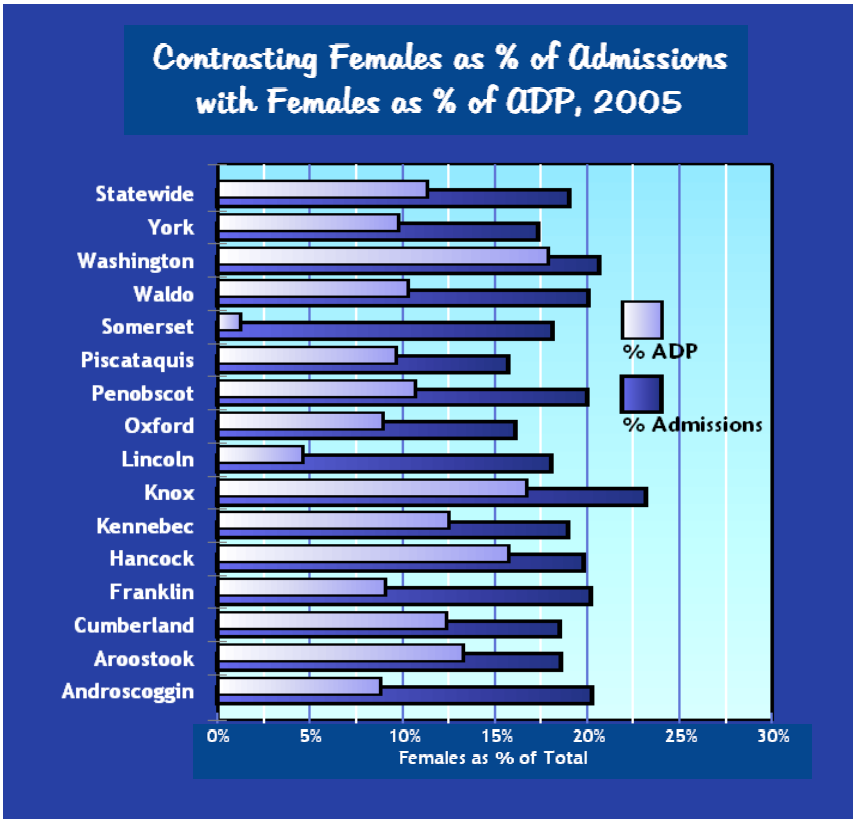


Figure 3.4.10



3.5 Community Corrections: State-Local Linkages

Table 3.5.1 shows trends in the numbers of persons on probation and the numbers held in jails.

Table 3.5.1: Comparison of Trends in Probation Caseloads and Offenders Sentenced to County Jails, 1992 - 2004

Year	Probation Caseload	% Change	Persons Sentenced to Jail	% Change	Total	Jail as Percent of Total
1992	8,942	28.8%	464	-8.1%	9,406	4.9%
1993	8,712	-2.6%	414	-10.8%	9,126	4.5%
1994	8,638	-0.8%	467	12.8%	9,105	5.1%
1995	8,641	0.0%	444	-4.9%	9,085	4.9%
1996	7,753	-10.3%	451	1.6%	8,204	5.5%
1997	7,178	-7.4%	561	24.4%	7,739	7.2%
1998	6,953	-3.1%	551	-1.8%	7,504	7.3%
1999	7,524	8.2%	600	8.9%	8,124	7.4%
2000	7,788	3.5%	636	6.0%	8,424	7.5%
2001	8,939	14.8%	527	-17.1%	9,466	5.6%
2002	9,446	5.7%	715	35.7%	10,161	7.0%
2003	9,855	4.3%	688	-3.8%	10,543	6.5%
2004	9,322	-5.4%	697	1.3%	10,019	7.0%
Change 1992-2004		**4.2%**	**233**	**50.2%**	**613**	-

Source of Data: U.S. Department of Justice, Bureau of Justice Statistics, Probation and Parole in the United States, annual, and jail series data, which was obtained electronically.

During a time when other states have been increasing their use of probation and other non-incarceration correctional strategies, Maine has stepped up its use of jails and prisons. As Table 3.5.1 shows, probation caseloads have increased by only 4.2% since the early 1990s, compared with a 50% increase in jail populations. While incarceration in jails was 4.9% of the total in 1992, by 2004 7% of the total was housed in jails. Given the lower number of arrests for serious offenses, it is perplexing why probation has been falling by the wayside. One important explanation rests in the state's refusal to staff probation adequately. Currently, there are 76 adult probation officers for a state the size of the rest of New England combined. Increasing jail populations stem in part from the large number of probation violations. Drug court sanctions that rely heavily on jail are exacerbating the problem. Table 3.5.2, which shows trends in incarcerations in jails and prisons in Maine, provides another perspective that suggests further that a substantial shift in responsibility from the state to the counties has been occurring.

In the next two sections, we will look at spending for the jail and state policies that affect jails.

Table 3.5.2: Comparison of Incarcerations in Maine State Facilities and County Jails, 1993, 1999, & 2005

Incarceration Type	1993			1999			2005			Change 1993-2005		Percent Change in Incarceration 1993-2005
	Number	Incarceration Rate per 100,000 Residents	Percent of Total	Number	Incarceration Rate per 100,000 Residents	Percent of Total	Number	Incarceration Rate per 100,000 Residents	Percent of Total	Number	Incarceration Rate per 100,000 Residents	
State Prisons	1437	112	67%	1724	128	61%	2063	156	57%	626	44	36%
Jail	700	55	33%	1113	89	39%	1545	117	43%	845	62	76%
Total	2137	166	100%	2837	217	100%	3608	273	100%	1471	107	52%

Source of Data: U.S. Department of Justice, Bureau of Justice Statistics, various data series.

Chapter 4:
Cumberland County Jail's Expenditures & Trends

Trends discussed in the preceding chapter have been increasing demand for jail beds and for the services of the Sheriff's Department. The budgetary impacts of those trends are likely to have been significant already and promise to continue to strain fiscal resources. This chapter examines the budget for the Cumberland County Jail from various perspectives. First, recent trends in the jail budget are reviewed within the context of the overall county budget and in comparison to other county departments including the Sheriff's Department. Second, total jail spending is considered relative to other Maine jails. Next, the budget is analyzed statistically, using regression analysis, to evaluate whether spending for the Cumberland County jail appears to be low, high, or at an expected level, given conditions facing the jail. Finally, jail spending is considered in total and by component for the time period 1996-2006.

4.1. The Jail Within the Context of Cumberland County's Budget

The 2006 Adopted Budget for Cumberland County totals $29.8 million dollars, as shown in Table 4.1.1.

Table 4.1.1: Recent Trends in Cumberland County's Budgeted Expenditures

DEPARTMENT	2004	2006	Change, 2004-2006	
			Amount	Percent
Jail (Corrections)	$13,686,288	$14,335,838	$649,550	4.7%
Sheriff	$3,719,560	$4,080,182	$360,622	9.7%
Sub-Total	$17,405,848	$18,645,086	$1,010,172	5.8%
District Attorney	$1,024,699	$1,269,235	$244,536	23.9%
Communications	$672,535	$781,961	$109,426	16.3%
Debt Repayment	$2,766,813	$2,712,773	-$54,040	-2.0%
Executive	$1,210,461	$1,022,505	-$187,956	-15.5%
Facilities	$2,290,514	$2,709,734	$419,220	18.3%
Registry of Deeds	$899,256	$988,002	$88,746	9.9%
Registry of Probate	$512,280	$531,232	$18,952	3.7%
All Other	$1,083,799	$1,378,404	$294,605	27.2%
Total	$27,866,205	$29,809,866	$1,943,661	7.0%

At over $14.3 million and 48% of the total, the expenditure budget for the Cumberland County Jail is the largest single component of the Cumberland County budget. Easily dwarfing all other departments,

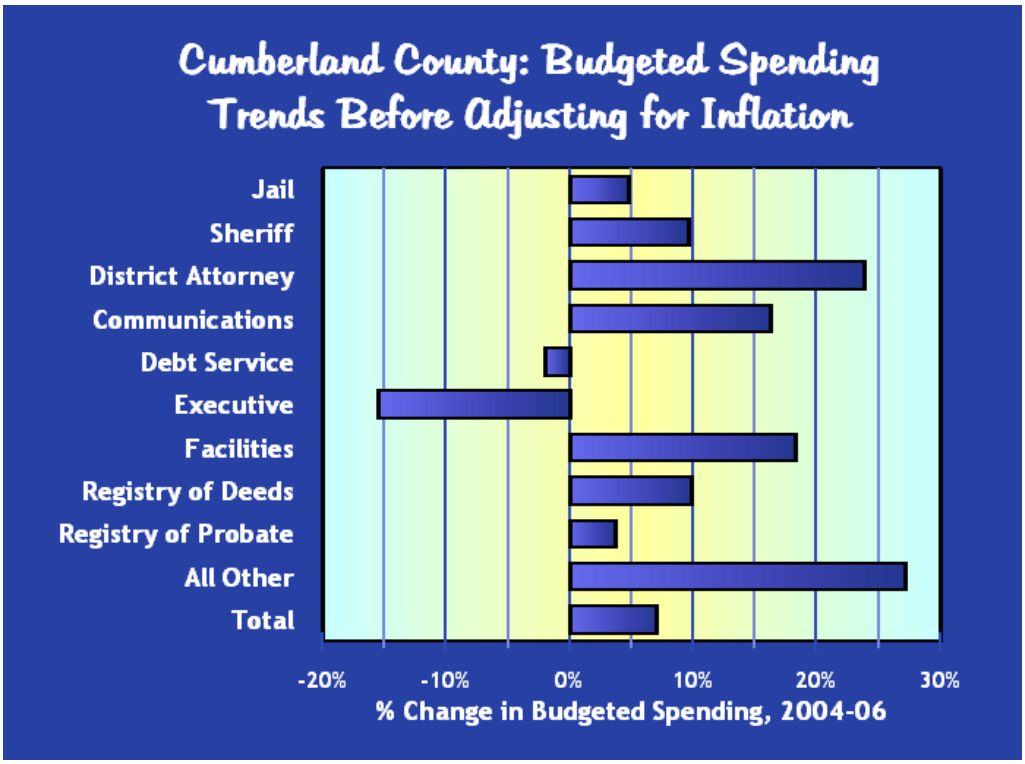
the jail budget is joined by the County's second largest expenditure area, the Sheriff's Department. Budgeted spending for the two areas Sheriff Dion oversees exceeds $18.4 million in 2006 and comprises close to 62% of the total County budget. Were this share not important enough, the percent of total increases further when annual debt retirement for the jail is included. Although debt service is paid through a centralized account, generally between 70% to 75% of the total is used to repay debt issued in the early 1990s for construction of the jail. When debt service of $2,155,762 is added to the jail's budgeted expenditures, the budget for the jail increases to 55% of the County budget. The jail plus the Sheriff's Department account for 68% of the total.

The Jail and Sheriff's Departments together hold a place of prominence within county government that is equivalent to schools within municipal budgets. And like school funding, their dominance within total spending links inextricably the financing of services with the fiscal future of the parent government.

Review of Recent Trends

Between 2004 and 2006, budgeted expenditures for county government increased by $1.9 million or 7%. During this period, the combined budgets for the Sheriff and Jail departments increased by just over $1 million or 5.8%. This combined growth falls notably beneath the 7% county-wide increase in budgeted expenditures. The increase in spending in areas supervised by the Sheriff is a combination of slow growth in the jail budget (+4.7%) with slightly faster than average growth of 9.7% in the Sheriff's Department budget, as Table 4.1.1 and Figure 4.1.1 show.

Figure 4.1.1



Although the Sheriff's Department budget grew at a rate that exceeded the increase for county government as a whole, several other departments grew much more rapidly. Between 2004 and 2006, the budget for the District Attorney's office increased 23.9%, with growth prompted in part by large

increases in state funding for prosecutors.[9] The allocation for Facilities increased by 18.3% and the Communications budget increased by 16.3%.

With a combined increase of 27.2%, the set of departments and accounts that comprise "all other" showed the largest percentage growth in budgeted expenditures. This group includes the Finance, Human Services, and Treasury departments, plus specialized accounts such as grants, contingencies, short term loan repayment, and unemployment insurance. The increase in the total reflects the addition of some new accounts between 2004 and 2006, including a federal grant ($55,000)[10], financing for a referendum and public information ($80,000), and establishment of a contingency account ($40,000). The "all other" category comprises only a small portion of total county spending, so the dollar impact of recent growth (+$294,605) was not as large as one might expect given the substantial percentage increase. Nonetheless, a budget increase of this magnitude is highly significant within the context of the County budget, with the amount actually approaching one-half of the total dollar increase in the County's largest department's budget, the jail.

Gaining Perspective When Rates of Change Differ Widely

As the preceding comparison underscores, rates of increase viewed alone can give an exaggerated sense of the respective importance of trends. A comparatively large percentage increase in a very small budget may not add much to the financing responsibility of the county. For example, between 2004 and 2006, repayment of short term loans increased by 61%. However, because the initial budgeted amount was small, this very large percentage increase added only $24,000 to 2006 budgeted expenditures. On the other hand, a small percentage increase in a large budget can add many dollars to financing responsibilities. The jail budget, which grew by only 4.7%, added $649,550 to budgeted expenditures between 2004 and 2006.

To place trends in meaningful perspective and gain insight into budget drivers, it is important to consider both percentage and dollar changes.

- ✔ Small budgets are disadvantaged in the budget process if only percentage change is considered, but advantaged if only dollar impacts on the budget total are considered.
- ✔ In contrast, large budgets are disadvantaged if only dollar changes are considered, but advantaged by a singular focus on percent change.

Departments with small budgets may feel that they are at a disadvantage relative to their larger peers during the budget process. For political and other reasons, this may be true. However, departments with large budgets face a "quiet bias" in the budget process, which over time and under fiscal constraint may erode a department's capacity to deliver quality services. Large budgets are highly visible, simply due to their scope, and as a consequence will be scrutinized closely and are apt to be blamed for high or increasing property taxes. Due to their size, large budgets provide a ready target for budget balancing efforts. Not only do they require more dollars to stay abreast of inflation, they yield many dollars of savings with only a small percentage reduction. At the municipal level, it is not

[9] See the review of trends in state aid for prosecutors presented in Chapter 5.

[10] Grants may increase spending by an amount equal to the grant, or may require additional spending as a county match. Often the match does not require appropriation of new funds, but instead is accomplished through reallocation of personnel or other methods. Nonetheless, it always is useful to assess both the full cost and the tangible and intangible benefits and costs of programs, even those that require little or no new local funds.

surprising that the school budget is often viewed as the "culprit" when citizens are dissatisfied with the property tax. At the county level, the "culprit" is the jail. On the other hand, because a small increase in a large budget places a heavy claim on any new revenues, it is impractical to avoid focusing on the largest budgets. So we need to make an effort to step back and gain perspective.

When reviewing budget trends, it helps to acknowledge at the outset that large departments are expected to add more dollars to a new budget than are smaller departments, even if their rates of increase are identical. In fact, the rate of growth can be much slower in a large department, yet the number of new dollars required can be larger than other, smaller departments experiencing more rapid growth. Simply maintaining purchasing power in the face of inflation requires that far more dollars be added to a large budget than to budgets of smaller departments.

When doing an analysis of financial statements, accountants, and bond raters rely on ratios whenever possible, to permit more valid comparisons of accounts that differ greatly in size. For example, comparing the total debt outstanding for Cumberland County to debt in a small county would provide only a partial and possibly biased perspective on the counties' respective debt burdens. Expressing debt on a per capita basis and as a percent of property valuation or personal income not only adjusts the dollars by the underlying factors of population size and ability to pay, but also reduces large numbers to a more manageable size. Ratios make it easier to compare and interpret differences in vastly different dollar amounts, and help the analyst avoid common analytical pitfalls.

We can use two ratio analysis techniques to adjust trends and facilitate review and comparison of budgets of various sizes. First, we can look at the impact of increases by allocating shares of growth among departments. This technique will permit us to answer this question: *How much did increases in spending for the jail contribute to spending growth?* Second, we can adjust spending trends for the impact of inflation, so that we may consider changes in purchasing power. We make this adjustment by deflating dollars to a common base year using a CPI-based price deflator. Once dollars have been deflated, we can determine how much each department's budget grew or declined, net of spending increases required to stay abreast of inflation. Plus, we will be able to evaluate each department's contribution toward budget growth net of inflation.

Comparing Expected with Actual Budget Growth

Were every department in county government to grow at exactly the same rate, the beginning and ending percentages of total budget would remain the same. Comparing departments' shares of budget in 2004 and 2006 sheds light on which have gained and which have lost ground. Because the changes in budget share often are small, it is easy to discount shifts. Yet the effect on the financial capacity of the departments that are losing ground can be very significant, especially if the erosion of share occurs in an environment of holding the line on the budget total.

Although departments often would like to receive—and may even expect to receive— a "fair share" of new revenues, there is no magical equation between the share of the total budget claimed by past spending and the new share a department is allocated. However, shares of budget allocated to different purposes provide a snapshot of a government's policy priorities. During times of fiscal constraint, policy makers continually make hard choices that do not necessarily coincide with past practices. In addition, budgets are shaped and reshaped by unexpected and uncontrollable costs, new policy initiatives, citizens' expressed priorities, and the availability of funding through grants or fees for purchased services shape and reshape budgets. Policy makers usually are aware of the overt forces that constrain

budget choices or forge new directions. However, there are many subtle influences on budgets that may escape attention and create a cleft between policy priorities and the priorities as evidenced by the adopted budget. This technique is not used to second guess policy makers, but rather to provide insight into trends.

Allocating Unadjusted Shares of Spending Growth

We can use the initial shares of budget to place budgetary change under an analytical lens. Based on the share of budget at the starting point, we can compute each department's expected contribution to budget growth. Then we can compute the actual contribution to budget growth and see how the two compare.[11] An example may make the analytical approach clearer.

Consider the exhibit on the next page. The left hand portion of this exhibit shows expenditure data for major components of Maine state government general fund spending. This data was presented as a graph by the Maine Department of Corrections to the Commission to Improve the Sentencing, Supervision, Management, and Incarceration of Prisoners.[12] One message from the presentation is that spending in the Department of Corrections has increased, but not at a rate that is out of line with other departments. Let's look at this data from another vantage point, by considering the right hand portion of the exhibit.

As you can see, comparing budget shares and contributions to budget growth is an easy and quick means to improve perspective on budget trends, because dollar amounts are converted to ratios: percentage of budget is compared with percentage of budget growth. The last column expresses the difference between expected and actual spending growth as a percentage of expected growth. A review of these figures reveals that the Maine Department of Corrections budget grew by 46.7% more than expected,

[11] This technique also may be used to evaluate trends in revenues. In *Dollars and Sense: Maine State Budgeting at a Crossroads*, LaPlante and Devlin (1993) used this technique to identify the steadily increasing bite the personal income tax had taken from income as Maine's economy grew during the 1980s. In 1980, personal income taxes accounted for just over 13% of state own source revenues, but by 1989 the share had grown to 24%. Because growth in income tax collections accounted for 47.3% of all revenue growth between 1980 and 1989, the state budget became far more sensitive to economic changes that produce a "bungee cord" revenue stream of rapid increases during good economic times and plunging revenues during downturns and recession.

[12] Presentations to this commission are available at the Maine State Planning Office's web site: http://www.state.me.us/spo/sp/commission/presentations.php.

Exhibit 4.1.1: Example of Assessing Different Growth Rates by Comparing Expected Contribution Toward Growth with Allocated Increases

Spending Trends Data Presented by Maine Department of Corrections					Additional Computations to Facilitate Comparison		
Trends in Expenditure in Selected Components of the Maine State Government General Fund, 1998 - 2004[1]					Comparison of Expected and Actual Contributions to Growth		
Component of ME General Fund	**1998**	**2004**	**Change [2]**	**Percent Change [2]**	**1998 Budget Share= Expected % of Growth**	**Actual % of Budget Growth**	**Percent Difference Between Expected**
ME Corrections	$72,824,367	$128,242,664	$55,418,297	76.1%	5.2%	7.6%	**46.7%**
Human Services	$342,782,196	$654,580,203	$311,798,007	91.0%	24.5%	43.0%	**75.4%**
Behavioral & Developmental	$161,851,272	$272,782,582	$110,931,310	68.5%	11.6%	15.3%	**32.2%**
Judicial	$35,510,704	$56,307,146	$20,796,442	58.6%	2.5%	2.9%	**12.9%**
Education	$784,831,758	$1,010,779,904	$225,948,146	28.8%	56.1%	31.2%	**-44.5%**
Total for Included Departments	$1,397,800,297	$2,122,692,499	$724,892,202	51.9%	100.0%	100.0%	N/A

1. The data shown on the left hand portion of this table was taken from a presentation by the Maine Department of Corrections to the Commission to Improve the Sentencing, Supervision, and Management of Prisoners, September 24, 2003. The PowerPoint slide show is available online at the Maine State Planning Office web site: http://www.state.me.us/spo/sp/commission/presentations.php.

2. Because larger budgets required larger dollar increases to stay abreast of inflation, for the most meaningful comparison these trends also should be considered net of inflation.

based on their relative share of general fund spending in 1998. Increases in spending for the Department of Human Services were 75.4% above the expected contribution to growth, but both the Department of Behavioral and Developmental Services (which now is part of Human Services) and Judicial lagged behind Corrections. Perhaps surprisingly, given a large dollar increase in spending and a seemingly healthy increase of 28.8%, the increased spending for Education lagged behind expected growth by 44.5%.[13]

The real utility of this analytical strategy lies in its ability to help the analyst to isolate differences between expected and actual growth, which then may be defined by policy makers as "no surprise", "somewhat surprising", or "a big surprise". A significant departure from the expected contribution to growth—whether positive or negative—is not necessarily problematic, but rather, a signal for policy makers that this may be an area that merits attention. The comparison of actual with expected growth facilitates distinguishing planned (in the case of new programs and priorities) or anticipated (in the case of price increases) budgetary redistributions from unanticipated and unintended shifts.[14]

Let's apply this method to Cumberland County's budget trends between 2004 and 2006. On the next page, Table 4.1.2 applies this technique to trends in Cumberland County's budgeted expenditures for major departments and the group of departments and accounts referred to collectively as "all other". The first column shows the dollar change in the county budget between 2004 and 2006. This column differs from Exhibit 4.1.1, because not all Cumberland County budgets grew. In departments where the budget declined, there is a zero shown in the table, signifying that there was no increase. At the bottom of the column, a total is shown. This amount reflects the *sum of the increases*. "Summed growth" reflects the total of all increases in budgets, without the offsetting reduction to total produced by declines in other areas. Focusing on growth provides a gauge of how much the budget would have increased, if there had been no decreases to balance some growth.

The next three columns show the comparison of expected and actual contributions to growth. First, each department's 2004 share of budget is shown. The share of 2004 expenditures establishes the expected contribution towards spending growth. The next column shows the share of budget growth, which is the increase from the first data column divided by the summed increases. This figure is important, because it allocates overall growth among departments.

The last column in Table 4.1.2 shows the percent differences between the expected and actual shares of growth for each department. Budgeted expenditures for debt repayment (principle and interest) and for the Executive Department declined between 2004 and 2006, so these budgets had no impact on growth. So the difference between their expected and actual increases in spending is 100%. The Registry of Probate also exhibited far less growth than anticipated, with the actual increase falling 52.8% behind expected growth.
In 2004, the jail budget comprised 49.1% of total budgeted spending. In the absence of an important cost saving initiative at the jail, implementation of a major new program(s) elsewhere in county gov-

[13] Please note that the data for these comparisons was compiled by the Maine Department of Corrections for the Commission to Improve Sentencing and is used here to illustrate the analytical technique only.

[14] The earlier footnote that discussed the application of this technique to the Maine state government budget crisis in the early 1990s provides a case in point. Policy makers knew personal income tax collections had been growing rapidly, but they were not aware how much more reliant the state had become on taxes on residents' income relative to taxes on other taxable bases, such as corporation income.

Table 4.1.2: Assessing Different Rates of Growth, 2004-2006

DEPARTMENT	Budget Increase 2004-2006	Comparison of Expected and Actual Contributions to Growth		
		2004 Budget Share= Expected % of Growth	Share of Summed Growth= Actual % of Growth	Percent Difference Between Expected Actual % of Growth
Jail (Corrections)	$649,550	49.1%	29.7%	-39.5%
Sheriff	$360,622	13.3%	16.5%	23.6%
District Attorney	$244,536	3.7%	11.2%	204.3%
Communications	$109,426	2.4%	5.0%	107.4%
Debt Repayment	0	9.9%	0%	-100.0%
Executive	0	4.3%	0%	-100.0%
Facilities	$419,220	8.2%	19.2%	133.3%
Registry of Deeds	$88,746	3.2%	4.1%	25.8%
Registry of Probate	$18,952	1.8%	0.9%	-52.8%
All Other	$40,639	4.1%	13.5%	246.6%
Total	$2,013,691	100.0%	100.0%	N/A

ernment, or cost escalation in other departments, we would expect increases in the jail budget between 2004 and 2006 to explain approximately 49.1% of growth in the budget.

✔ Increases in budgeted expenditures for the jail contributed only 29.7% of spending growth, lagging behind expected growth by 39.5%.

It is easy to translate "lost ground" into dollar terms. Assuming a constant total (so some other department would have received less of an increase or declined), to remain at 49.1% of total budgeted County spending the 2006 jail budget would need to be $14,592,410, an increase of $305,069 over the actual allocation.

Notice that the Facilities Department grew far more rapidly than "expected", based on its 2004 share of total. The extra increase is not surprising, since rapidly rising prices for heating oil and some other commodities will have affected the Facilities budget greatly. When expenditures for price sensitive commodities are centralized, rather than being divided across departments, the budgetary impact of rising costs will be more visible. At the same time, it will appear that other budgets are growing less quickly than expected, because the cost increases are being absorbed by a single unit. Centralization of spending will have moderated somewhat the apparent gaps between expected and actual jail spending. The County may want to consider allocating costs to departments, to facilitate truer costing of services and to maximize cost recovery from services covered by grants or contracts. In the final chapter of this report, this issue is revisited and a recommendation made that this be done for the Jail, in order to arrive at a boarding fee that reflects better the actual costs of running the jail.

The increase in budgeted expenditures for "All Other" explains 13.5% of the summed growth. The actual

contribution to budget growth by these departments exceeds the expected contribution of 3.9% by 3.5 times. This category increased in importance from 3.9% of the total budget in 2004 to 4.6% in 2006.

As noted previously, differences from the expected share of growth should not be construed as "right" or "wrong", but instead viewed as an indication that scrutiny is needed. Whether viewing the overall county budget or analyzing a department budget, overall change is a combination of increases in some areas with decreases in other areas. Because growth is offset partially by reduced spending, it is easy to underestimate its true and long term effects on budget position. Over time, seemingly modest trends can alter the face of the public budget and the basket of services provided to citizens. Many changes will reflect explicit policy choices, but others will be driven by trends in underlying factors that affect costs (e.g., the cost of heating oil) and/or the cumulative impacts of expenditure nips and tucks imposed during efforts to bring under control an unwieldy public budget.

Adjusting for the Impact of Inflation

The trends reviewed thus far have not been adjusted to reflect the "bite" of inflation. Between the end of 2003 and the end of 2005, the Consumer Price Index increased by 6.5%. This means that the 7% increase in Cumberland County's total budgeted expenditures barely exceeded the decrease in purchasing power caused by inflation. However, we know from the previous section that the overall change is a combination of some departments increasing spending significantly with others growing slowly or declining. So now we will look at spending trends adjusted for the effects of inflation.

On the next page, Figure 4.1.2 compares inflation adjusted or "real" spending trends with unadjusted, "current" dollar trends. Two pages ahead, Table 4.1.3 shows spending adjusted for inflation, but rather than deflating all dollars to 1982 value, 2004 budgeted dollars have been updated to reflect how much those 2004 dollars could buy in 2006.[15] The adjustments for inflation permit us to assess how the *purchasing power* of budgeted expenditures changed between 2004 and 2006. Overall, the county budget increased by 1.2% in inflation adjusted dollars, for real growth between 2004 and 2006 of only $352,990.Given this essentially "level funding" situation, changed budget shares will have designated winners and losers. The sizable unadjusted reduction in spending by the Executive Department becomes more pronounced once the effect of inflation is removed from the dollars. In real, 2006 dollars, the budget for the Executive Department declined by $257,052 or 20.1%. Debt repayment declined by $211,976, for the second largest reduction in real spending.

- ✔ The budget for the jail took the third largest hit in real dollar terms, declining between 2004 and 2006 by $131,697. *Net of inflation, a seemingly sizable dollar increase in budgeted expenditures evaporates.*

Meanwhile, it is easy to isolate real spending growth, with the Facilities department seeing the largest dollar increase (+$288,472), followed by "All Other" (+$232,739), the District Attorney (+$186,044), and the Sheriff's department exclusive of the jail (+$148,300).

[15] The Consumer Price Index was 198.3(%) early in 2006, compared with an index of 187.6(%) in 2004. Using the traditional method for deflating dollars, all dollar values would be converted to 1982 values, by dividing the 2004 amounts by 1.876 and the 2006 amounts by 1.983. To bring the 2004 dollars forward to 2006 value, we first obtain a rebased deflator by taking the ratio of the 2004 and 2006 deflators: 1.876 ÷ 1.983 = 0.946. Budget amounts for 2004 are divided by 0.946, which converts them to 2006 purchasing power. Because older dollars had more value, this method increases dollar values from the past.

Figure 4.1.2

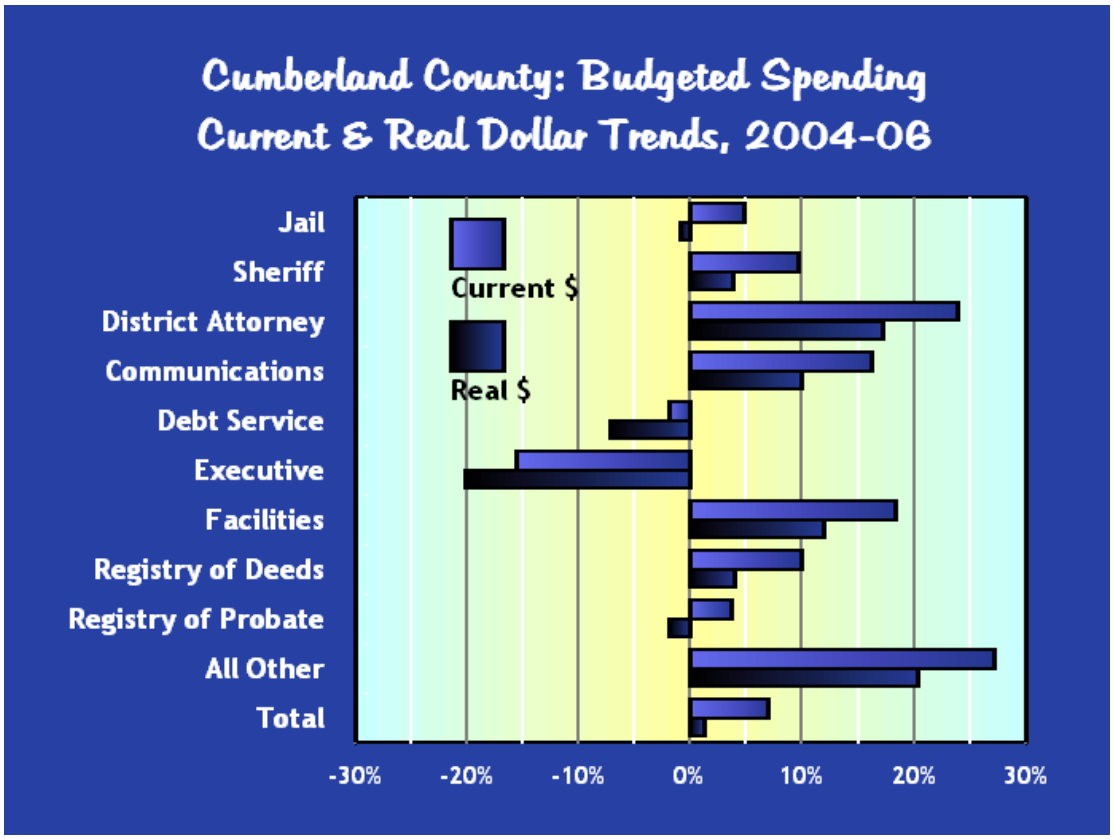


Exhibit 4.1.2: Definitions of "Current" and "Real" Dollars

Current Dollars:

"Current" dollar trends have not been adjusted for inflation and reflect the purchasing power of the year in which they are measured. For example, "current dollar"s from 1996 means the purchasing power of the dollars in 1996.

Real Dollars:

"Real" dollars refer to dollars that have been adjusted to net out the impact of inflation. The adjustments to current dollar values may either deflate all dollars to an older, common "base year" year, such as 1982, or bring older dollars forward, to reflect what they could purchase in the more recent year. Regardless of method, the real percentage change is the same.

Table 4.1.3: Assessing Budgetary Change After Adjusting for Inflation

DEPARTMENT	2004 Actual Spending Expressed in 2006 $ Values	2006 Budgeted Spending	Change in Real Dollars Expressed in 2006 $ Values	Percent Change in Real Dollars
Jail	$14,467,535	$14,335,838	**-$131,697**	**-0.9%**
Sheriff	$3,931,882	$4,080,182	$148,300	3.8%
District Attorney	$1,083,191	$1,269,235	$186,044	17.2%
Communications	$710,925	$781,961	$71,036	10.0%
Debt Repayment	$2,924,749	$2,712,773	-$211,976	-7.2%
Executive	$1,279,557	$1,022,505	-$257,052	-20.1%
Facilities	$2,421,262	$2,709,734	$288,472	11.9%
Registry of Deeds	$950,588	$988,002	$37,414	3.9%
Registry of Probate	$541,522	$531,232	-$10,290	-1.9%
All Other	$1,145,665	$1,378,404	$232,739	20.3%
Total	$29,456,876	$29,809,866	$352,990	1.2%

In reviewing these numbers, it is important to notice that none of these increases are "large" relative to the size of the County budget. Nonetheless, their impact on the overall budget is moderated largely by real dollar losses in other areas.

Allocating Inflation Adjusted Shares of Spending Growth

On the next page, Table 4.1.4 shows budget increases by department, which sum to $964,005. In the absence of offsetting real dollar decreases in other budget components, this is the amount of growth beyond the impact of inflation that would have occurred in the county budget. Table 4.1.4 also allocates shares of real spending growth to departments.

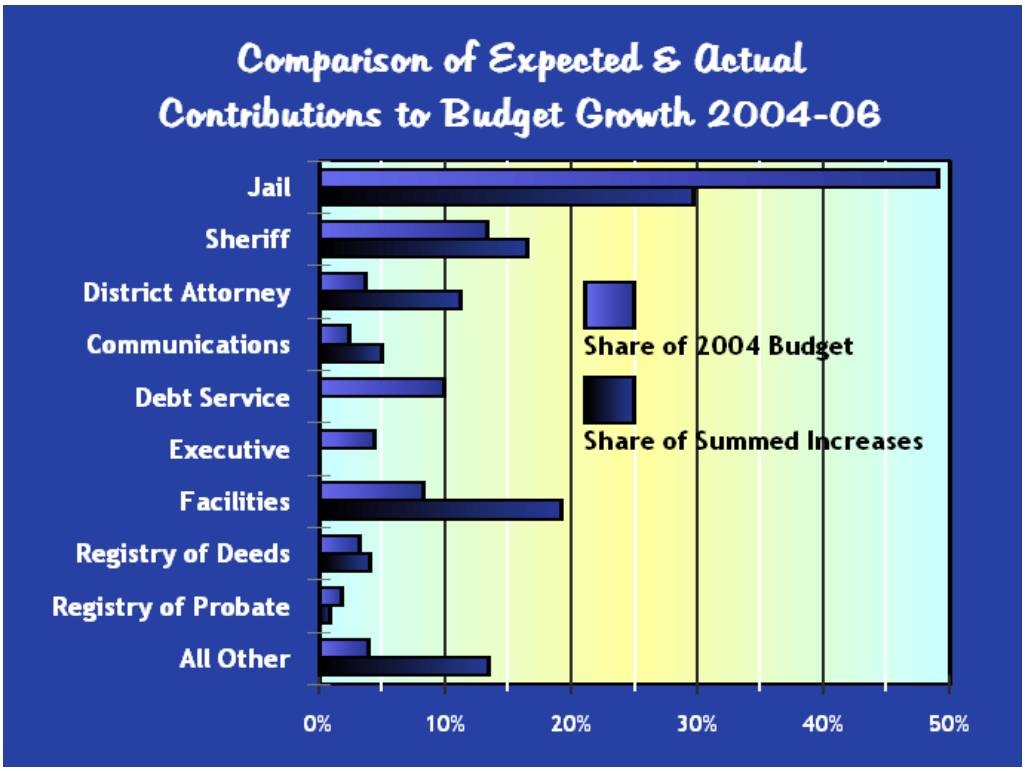
Once adjusted for inflation, the 2006 adopted expenditure budget for the jail did not increase, so its share of allocated responsibility for spending growth drops to 0%, down from 29.7% of growth before adjusting for inflation. Similarly, the Registry of Probate saw no real growth, so this department drops out, too. In the cases of both the Jail and the Registry of Probate Department, the shift from the "growing" to the "not growing" sub-groups reinforces the earlier finding that both had grown more slowly than expected.

The remaining expenditure areas include Facilities, which is responsible for 29.9% of all real (inflation adjusted) spending growth, increase in the budgets for the group of departments and accounts comprising "all other" explains an additional 24.1% of real growth, the District Attorney's department accounts for 19.3%, the Sheriff's Department (exclusive of the jail) 15.4%, Communications 7.4%, and the Registry of Deeds 3.9%.

Table 4.1.4: Contributions to Real (Inflation Adjusted) Budgetary Growth

DEPARTMENT	Real Growth in Budgeted Spending	Percent of Summed Real Growth
Jail	0	0.0%
Sheriff	$148,300	15.4%
District Attorney	$186,044	19.3%
Communications	$71,036	7.4%
Debt Repayment	0	0.0%
Executive	0	0.0%
Facilities	$288,472	29.9%
Registry of Deeds	$37,414	3.9%
Registry of Probate	0	0.0%
All Other	$232,739	24.1%
Sum of Increases	$964,005	100.0%

Figure 4.1.3



Caution Required When Evaluating Spending Trends in Isolation

Interpreting expenditure trends is made more difficult by the isolation in government budgets of expenditures from revenues.[16] Increases may be the consequence of an influx of external funding, which partially or even fully offsets spending growth. In recent years, the District Attorney's department has received additional funding from state government to increase prosecutorial staff. Similarly, following changes in state law that increased the length of time for which an offender could be sentenced to jail from nine months to 364 days, state aid for community corrections was increased. As the preceding chapter outlined, increasing jail populations are explained in part by growth in the number of inmates from other counties being boarded; Cumberland County receives daily boarding fees from sending counties. While none of these revenues are conditioned upon an increase in spending, they each address an expected increase in workload.

The isolation of spending and revenues may create problems during budget deliberations and citizen review. In the absence of net budget figures, which show the claim of spending on own source revenue, it is easy to overestimate or underestimate the offsetting effect of state or federal aid, grants, or fees for services. On the one hand, it is not uncommon in public budgeting for requests for spending increases to be approved because an expectation exists that external revenues or fees will cover budget growth. For example, one of the identified impacts of California's Proposition 13 was the tendency of local budget makers to approve expanded and new programs when the initiatives could pay their own way, while denying other new spending. Sometimes, revenues do not materialize, so the net budget amount shown is inaccurate.[17] As noted earlier, with the new Twin Bridges Regional Jail due to come online this fall, the Jail is likely to see some reduction in boarding revenues, which would need to be factored into an estimate of net spending. A common and equally problematic issue in government budgeting is that the increased workload associated with increased revenues from fees goes largely unnoticed, producing a long term erosion of purchasing power.

Recap and Look Ahead

Cumberland County budget trends show significant evidence that the County is working hard to hold the line on spending increases. The majority of real dollar spending increases were offset by reductions in real spending elsewhere in the budget. Budget documents that show little difference between departmental requests and adopted budget figures. This suggests a collaborative process in which managers and policy makers share a goal of containing budget increases.

This analysis suggests that tradeoffs are being made across policy areas, with some departments and programs taking reductions to accommodate growth in other areas of the budget. Whether these reductions were able to absorbed without hurting services or taking a toll on employees' salaries, benefits, workloads, training opportunities, and other measures of job quality can only be assessed through a detailed analysis of the individual agency that would include interviews and other methods to measure job attributes. Nonetheless, some assessment is possible at this point.

Despite a some real growth (albeit small), the Sheriff's Department budget (exclusive of the jail) may be

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[16] This practice is the norm in the public sector and complies with generally accepted accounting principles (G.A.A.P.) for governments.

[17] New York City's near default in the mid-1970s was in part a consequence of overestimating revenues and accruing revenues from sources that were unpredictable.

underfunded. The analysis in Chapter 2 looks at trends in arrests and recent and projected growth in the population of younger people. Staffing trends for law enforcement agencies also were reviewed. The conclusion reached was that the Sheriff's Department is seeing increased demand for services that is likely to escalate as drug problems continue to take hold in rural areas of Maine and in the lakes region of the County. The employment level seems to be low relative to the geographic area to be covered and relative to employment in towns that have their own police departments. Although sheriffs' departments statewide are understaffed relative to other law enforcement agencies, other counties are not seeing the rising population that has characterized Cumberland County, nor are they seeing the increases in young people that has been occurring in many small towns beyond the Portland area. So there may be some pent up demand already, with increasing future budget pressure.

The Jail Department budget presents a more serious issue, given rising jail populations. A budget increase of 4.7% is significantly less than would be expected, given the size of the department. Concern escalates when one recognizes that this increase not only was inadequate to offset the bite of inflation, but actually represents a real dollar reduction of $131,697. The combination of rapidly increasing costs for medical care and prescription medications will have made it very difficult for Sheriff Dion to have held the line on spending increases.

In the remainder of this chapter, the Cumberland County jail budget is examined more closely. First, total jail spending is compared with spending by other jails in Maine. Then, a "reference set" approach is used to assess statistically whether spending for the jail is lower, higher, or at an expected level, given factors that influence pressure to spend. Finally, spending trends are analyzed for the period 1996 through 2006, with attention to both the total and various components of spending.

4.2 Jail Spending in Comparative Perspective

On the next page, Table 4.2.1 provides a variety of fiscal indicators for Maine jails for 2004. Although the Cumberland County Jail had the highest expenditure of any jail, its average daily population also exceeded every other Maine jail by 325 inmates. When total expenditure is adjusted to reflect the number of inmates served, Cumberland County is far from being the highest. With an average daily cost of housing an inmate of only $98, Cumberland County falls beneath the statewide average of $107 and is surpassed by 9 of the 14 other jails. The cumulative cost of housing one inmate in the Cumberland County Jail for 365 days per year is $35,685, compared with annual spending that begin at a low of $27,286 in Kennebec County (which has been experiencing extreme crowding) and extends to a high of $66,971, at the York County Jail. Two pages ahead, Figure 4.2.1 presents these comparisons in graphical format.

The comparative positions of the counties reflected in Figure 4.2.1 and Table 4.21 has changed already, due to the operating costs and required annual debt service for the new 120-bed Twin Bridges Regional Jail in Wiscasset. The construction of a new 200-bed jail in Somerset County, which is slated to open in 2009, will raise the statewide total for operating costs and debt service even further. How large an impact are these new jails likely to have on total statewide spending and the average cost to house an inmate?

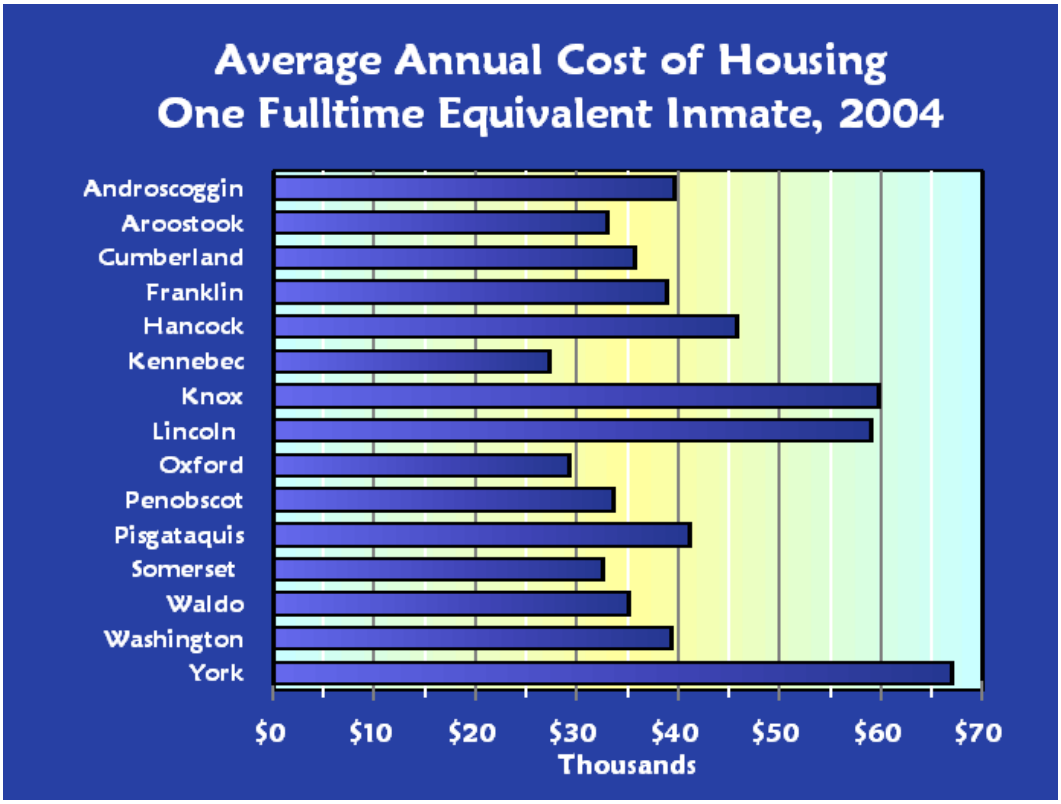
Table 4.2.1 Comparing Spending in Maine Jails, 2004

County	Expenditure Exclusive of Debt Service	Average Daily Jail Population	Expenditure for Debt Repayment	Debt Repayment as Percent of Total Expenditure[1]	Debt Repayment Per ADP Inmate[1]	Total Expenditure for Jail Including Debt Service	Average Daily Cost of Incar-cerating One Inmate (including debt service)	Annual Cost of Housing One Inmate (inc. debt service)
Androscoggin	$4,055,672	118	$612,750	13.1%	$5,193	$4,668,422	$108	$39,563
Aroostook	$2,386,147	78	$186,125	7.2%	$2,386	$2,572,272	$90	$32,978
Cumberland	$15,579,752	497	$2,155,762	12.2%	$4,338	$17,735,514	$98	$35,685
Franklin	$1,359,526	35	$0	0.0%	$0	$1,359,526	$106	$38,844
Hancock	$1,820,223	51	$513,993	22.0%	$10,078	$2,334,216	$125	$45,769
Kennebec	$3,879,460	167	$677,273	14.9%	$4,056	$4,556,733	$75	$27,286
Knox	$2,635,902	52	$470,212	15.1%	$9,043	$3,106,114	$164	$59,733
Lincoln	$2,061,618	35	$0	0.0%	$0	$2,061,618	$161	$58,903
Oxford	$1,340,082	46	$0	0.0%	$0	$1,340,082	$80	$29,132
Penobscot	$5,462,864	172	$305,490	5.3%	$1,776	$5,768,354	$92	$33,537
Pisgataquis	$963,837	30	$269,847	21.9%	$8,995	$1,233,684	$113	$41,123
Sagadahoc	$2,023,734	30	$170,000	8.4%	$5,667	$2,023,734	$169	$67,458
Somerset	$2,374,770	73	$0	0%	$0	$2,374,770	$89	$32,531
Waldo	$1,756,204	50	$0	0%	$0	$1,756,204	$96	$35,124
Washington	$1,821,216	51	$184,635	9.2%	$3,620	$2,005,851	$108	$39,330
York	$7,133,793	152	$3,045,740	29.9%	$20,038	$10,179,533	$183	$66,971
TOTAL	$56,654,800	1,607	$8,421,827	13.4%	$5,241	$63,052,893	$107	$39,236

[1] Debt service and operating costs for the new Twin Bridges Regional Jail are not included. Somerset County also has issued debt to construct a new jail, which is not included here.

[2] Sagadahoc County did not operate a jail on 2004. Expenditures reflect the cost of a lock up and boarding fees paid to other counties.

Figure 4.2.1



First, although the sizes of Maine's two newest jails will exceed the capacity of the jails they are replacing by an appreciable margin, their capacities will remain relatively small. Even the larger of the two, the Somerset County Jail, will achieve a size (200 beds) that is less than one-third the capacity of the Cumberland County Jail. The Twin Bridges Regional Jail is even smaller, with only 120 beds. While the larger size of these new jails will enable increases in efficiency over the existing facilities, the jails are not large enough to tap into any appreciable economies of scale at the time of construction nor in operating the facilities.

Secondly, both the Twin Bridges and Somerset County jails are being built to a scale that greatly exceeds current capacities. The utilization of capacity will be low initially, perhaps very low. If Somerset County is able to partner with Kennebec and Penobscot counties to relieve their overcrowding situations, the new jail could achieve an average daily population that would utilize between 60-75% of capacity soon after opening. However, once the Somerset County Jail opens, the ability of the Twin Bridges Jail to meet its projected boarding ADP will weaken greatly. Simply due to increased size, annual operating costs will rise, initially quite sharply, with the longer term differential depending on the utilization of capacity the facilities are able to achieve. Third, the debt incurred to construct these facilities will necessitate a significant level of annual debt service, which in and of itself will escalate annual spending. Debt repayment is a fixed cost, so whether the jails house no inmates or are filled to capacity, this expenditure must be made.

Notice in Table 4.2.1 the sizable impact of debt repayment on the York County Jail's expenditures. Almost 30% of spending for the jail—over $3 million per year—is going to repay debt. With an average daily population of 152, the per inmate cost of debt service was $20,038 for 2004. The new Twin Bridges Regional and Somerset County jails will face similarly high debt repayment burdens. The annual debt service for the $24 million bond issue for the Twin Bridges Jail is $2.63 million annually, with the amount to be divided between Sagadahoc and Lincoln counties. Debt service alone will increase these counties'

combined annual spending by more than 40%. If the Twin Bridges Regional Jail reaches 60% of its capacity, it will house an average of 72 inmates per day, for an average annual debt service will cost of $36,528 per inmate. The amount for debt service only is similar to total annual cost of housing one inmate in the Cumberland County Jail.

With annual operating costs approaching $6 million[18], total spending for the new regional jail will more than double the 2004 combined expenditures of Sagadahoc and Lincoln counties. Even if capacity utilization is high, such as 75% or an average daily population of 90, the annual cost per inmate will be approximately $90,000 or $250 per day. This amount exceeds the current per diem of both counties by more than $80 per inmate per day. Since Sagadahoc's and Lincoln's current per diem amounts rank second and fourth in the state, an increase of this magnitude is no small feat and will likely thrust them into first place as the most costly jail in Maine.

Somerset County will need to repay $30 million in debt, Debt service alone will exceed the 2004 expenditure level by an appreciable margin. The annual operating expenditure can be expected to increase to $7 million, plus annual debt service of approximately $3 million.[19] Total spending of $10 million (in 2004 dollar value), which is similar to the York County Jail, will quadruple the expenditure level shown in Table 4.2.1. If the Somerset jail reaches 60% capacity utilization, or an average daily population of 120, the average annual cost per inmate will be $83,000, or $228 per day. With an ADP of 150 inmates (75% capacity utilization), per inmate amounts would decline to $66,667 annually and $183 daily, which is in line with the York County Jail. Even with a high utilization of capacity, the Somerset County Jail's per inmate costs will double the current per diem of $89.

The costs associated with these two new jails are sobering. If utilization of capacity remains below average in one or both of the two new jails, the annual costs of housing an inmate will be even higher than estimated. The combination of high debt service expense with higher operating costs will raise the statewide average for housing one inmate appreciably. The addition of the increased spending for the Twin Bridges Jail to the expenditures shown in Table 4.2.1 has the effect of increasing the 2004 average of $39,236 to $42,066 per inmate. The addition of projected spending for the new Somerset County jail, which would have been similar to the York County jail in 2004, raises the state average per inmate expenditure to $43,259.

- ✔ While the 2004 snapshot of comparative spending presented here shows that Cumberland County's jail operates at a very reasonable annual per inmate cost, including data for the two new jails makes the $35,695 per inmate cost of the Cumberland County Jail a true bargain.

It is important to recognize that Cumberland County will lose some boarders once the Twin Bridges Regional Jail is operating, and stands to lose even more when the Somerset County Jail opens in 2009. Depending on the magnitude of the actual reduction in ADP that occurs, and even with some budget retrenchment, the daily cost of housing an inmate at the Cumberland County jail is likely to rise, perhaps sharply. It will be important for the Sheriff and policy makers to communicate with the public about the relationship between total costs and unit (per inmate) costs, which reflects utilization of capacity and not necessarily a true increase in spending. Taxpayers also should be educated about the cost structure of a jail, so they do not assume that spending automatically will decline when the number of inmates

[18] As reported in *The Lincoln County News* Volume 131 (15) on 3/15/2006, based on a budget submission for the period July 1, 2006 through June 30, 2007. The budget also estimates boarding income of $462,340 based on an average daily boarding population of 40 inmates.

[19] Annual operating costs have been estimated using linear regression model based on jail capacity and expenditures of all Maine jails. (The R^2 value for the model is 0.98). Based on 2004 spending levels, the threshold expenditure is estimated as $1,179,580 plus $27,568 per bed.

is reduced. (See Chapter 2 for background on these subjects.)

- ✔ The good news for Cumberland County is that your jail will be much more affordable than the new jails, and as such, more able to attract boarders.

Comparing Spending Trends Relative to Jail Population Trends

The tables on the next two pages compare trends in spending in Cumberland County to statewide trends for the period 1997 through 2004. Data is presented first in current dollar values and then adjusted for inflation and population sizes.

Table 4.2.2 shows that prior to adjusting for inflation, jail spending in Cumberland County increased by 108% between 1997 and 2004, compared with a statewide increase of 115%. Once spending is adjusted for inflation, Cumberland County's expenditures increased by 78%, compared with statewide real spending growth of 84%. While these increases are substantial, averaging about 10% annually, they have not been adjusted yet to reflect the rapid increase in inmate populations. Trends in the average daily jail population housed in the Cumberland County Jail suggest that a substantial budget increase will have been required.

- ✔ The Cumberland County Jail's ADP grew by 208 between 1997 and 2004, an increase of 80%.
- ✔ In contrast, the statewide ADP increased by only 47%.
- ✔ Cumberland County's growth accounts for 40% of the statewide increase.[20]
- ✔ The share of statewide inmates housed in the Cumberland County Jail increased from 23.3% in 1997 to 28.6% in 2004.

Also, these spending trends do not include decisions by Sagadahoc, Lincoln, and Somerset Counties to greatly escalate their spending; as discussed earlier, the costs of the two new jails will raise state average spending to a new, higher level. So Cumberland County's comparative position is better than it appears.

The sense that Cumberland County's spending has been growing at a slower rate than the rest of the state is reinforced by an examination of spending trends adjusted for the number of inmates. Table 4.2.3 shows the trends in spending per inmate in Cumberland County and statewide. When spending trends adjusted for both inflation and populations are considered in part B of Table 4.2.3, Cumberland County's comparative position changes markedly.

- ✔ Statewide, spending per inmate increased by $7,387 or 25% between 1997 and 2004. In sharp contrast, spending per inmate in Cumberland County declined by $362 or 1%.

[20] The analysis of population trends in the preceding chapter showed that boarders accounted for a large share of the increased number of inmates housed in Cumberland County.

Table 4.2.2. Comparison of Trends in Spending, Cumberland County and Statewide, 1997-2004

A. Spending Trends *Prior to Adjustment for Inflation*

	1997	1998	1999	2000	2001	2002	2003	2004	Change, 1997-2004	
									Amount	Percent
Statewide	$26,270,000	$28,001,000	$30,485,000	$32,624,000	$33,794,000	$36,029,000	$43,849,000	$56,485,000	$30,215,000	115%
Cumberland County	$6,347,025	$7,144,961	$7,836,562	$8,160,825	$9,150,840	$10,864,284	$11,428,406	$13,193,403	$6,846,378	108%
Cumberland County as % Statewide Total	24.2%	25.5%	25.7%	25.0%	27.1%	30.2%	26.1%	23.4%	N/A	

B. Spending Trends <u>Adjusted for Inflation</u> *(All Dollars Shown in 2006 Values)*

	1997	1998	1999	2000	2001	2002	2003	2004	Change, 1997-2004	
									Amount	Percent
Statewide	$32,456,953	$34,065,020	$36,285,567	$37,568,753	$37,839,357	$39,714,012	$47,437,298	$59,706,692	$27,249,739	84.0%
Cumberland County	$7,841,838	$8,692,305	$9,327,673	$9,397,744	$10,246,254	$11,975,473	$12,363,627	$13,945,905	$6,104,067	77.8%

Note: Spending figures do not include debt service.

Table 4.3.3. Comparison of Trends in Population Size and Spending Adjusted for Inflation, 1997-2004

A. Comparison of Trends in Average Daily Population

Indicator	1997	1998	1999	2000	2001	2002	2003	2004	Change, 1997-2004	
									Amount	Percent
Statewide	1,116	1,111	1,232	1,368	1,130	1,544	1,586	1,637	521	47%
Cumberland County	260	265	311	343	359	376	451	468	208	80%
Cumberland County's ADP as % Statewide ADP	23.3%	23.9%	25.2%	25.1%	31.8%	24.3%	28.4%	28.6%	n/a	

B. Comparison of Spending Trends Adjusted to Show Inflation Adjusted Per Inmate Spending *(All Dollars Shown in 2006 Values)*

Indicator	1997	1998	1999	2000	2001	2002	2003	2004	Change, 1997-2004	
									Amount	Percent
Statewide	$29,078	$30,657	$29,464	$27,462	$33,491	$25,728	$29,914	$36,465	$7,387	25%
Cumberland County	$30,138	$32,781	$30,038	$27,398	$28,553	$31,882	$27,426	$29,775	-$362	-1%

Note: Spending figures do not include debt service.

It is interesting to notice that in addition to being below its 1997 level, Cumberland County's 2006 per inmate expenditure of $29,775 is almost equivalent to the statewide real dollar (2006 value) expenditure for 1997. In 1997, Cumberland County's annual cost per inmate exceeded the state average by 4%, but by 2004 the expenditure was 18% below the statewide average. A look at the intervening years shows some fluctuation, but Cumberland County generally is showing a per inmate expenditure that is equal to the state average or lower.

When capacity is available, adding inmates reduces the unit cost of services. So some of reductions in per inmate spending will have occurred in response to more efficient use of existing programmatic and the physical infrastructure of the jail. Due to the fixed and semi-fixed costs associated with running an institution, some growth in the inmate population can be absorbed without influencing budget totals appreciably. However, there comes a point where at least operational capacity (personnel, for example) must be increased.

An additional method for considering these trends is to compare Cumberland County's spending as a percent of the statewide expenditure (shown in Table 4.2.2, part A) to its ADP as a percent of the state (shown in Table 4.2.3, part A).

- ✔ In 1997, Cumberland County's jail spending comprised 24.2% of statewide spending and its ADP comprised 23.3% of the statewide ADP, placing its spending share slightly above its ADP share.
- ✔ By 2004, the picture had changed, with Cumberland County accounting for less of the state's spending at 23.4% of the total, but substantially more of the state's ADP, at 28.6%.

An assessment flows easily from these indicators.

- ✔ Comparative analysis shows that the Cumberland County Jail is operating much more efficiently than most jails in the state.
  - ◆ The high costs associated with new facilities coming on line in Maine will increase the comparative cost-efficiency of Cumberland County's already lower than average spending.

- ✔ Comparative analysis indicates further that the Jail has increased its efficiency greatly through a combination of increased utilization of capacity and slower than average spending growth.

The comparative analysis also raises the possibility that the jail may be underspending in some areas. We will explore this issue further in the next section. First, however, it is useful to consider how the receipt of boarding revenues changes the comparative position of the jail.

Comparing Spending by Maine Jails *Net of Boarding Revenues*

The preceding analysis uses jail spending data that is maintained and distributed by the Maine Department of Corrections. There is a flaw associated with the data that merits discussion, especially because it is a facet of the data that may hinder accurate portrayal of Cumberland County's expenditure position relative to other Maine jails.

To understand the issue, think about an analogous situation. Let's say your daughter wants to go to the mall and have lunch with friends. You give her $10, to enable her to purchase lunch. She buys her lunch, spending the $10. The fact that you gave your child $10 to buy lunch, and then she spent $10 to buy lunch, does not mean that lunch cost $20. Only the original $10 actually was spent to purchase food. Just because one family member had the money initially and then gave the money to a second family member who actually spent the money does not mean $20 was expended for lunch. Were the expenditure to be recorded in the household budget as $20, it would have double counted the same $10.

When a county boards prisoners with another county, the sending county pays the receiving county for the care of boarders. The Maine Department of Corrections (DoC) records this as an expenditure. When a county receives boarders from another county, the receiving county accept boarding fees that are spent to provide housing and sustenance for the boarded prisoners. The Department of Corrections also counts this as an expenditure. It becomes apparent that there is some double counting when viewing presentations that show spending for each jail. (For example, see Table 4.2.1, which is based on data provided by the Maine Depart-ment of Corrections). Sagadahoc County is shown as spending over $2 million, with a per diem cost of $169, although most of the expenditure involves providing boarding fees to another jail. Like the parent who gives a child $10 to buy lunch at the mall, each $10 paid by Sagadahoc County to another jail is the same $10 the receiving jail spends to care for Sagadahoc County's prisoners. *It is not an additional expenditure, only a transfer of funds between jails.*

Comparisons of county jail and state prison per inmate costs have been made frequently, as part of the deliberations of recent commissions looking at corrections spending in Maine; it has been shown that excluding debt service, county jails spend $95 per day to house each inmate, while the Maine Department of Corrections spends only $91 per day.[21] In reality, net of the double count of expenditures for boarding, the county jails spend closer to $84 per day.

To gain a more accurate picture of the claim of jails on the public purse, we must net out the double count of boarding fees, which essentially are the same dollars transferred from one locale to another. Both the sending and receiving jails do need to budget for and record the expenditure of funds in their accounting records. However, the subsidization of expenditures through boarding revenues reduces the number of dollars that must be provided locally. Aggregate spending needs to be adjusted, to arrive at a true total cost for Maine's jails and to reflect the true cost to each county of running their jail. It is especially important today for this correction to occur, because boarders have become a more prominent share of the statewide inmate population. Double counting the boarding expenditures promotes an impression of uncontrolled spending for jails, which can lead to blaming and inadequate investment in needed services.

With two new large jails about to come on line in Maine, each with significant added capacity designed to accommodate boarders, it will be important not to build in a double count of spending for the same inmate when computing state averages and trends. Considering spending net of boarding revenues will permit more accurate comparison of Cumberland County Jail to other jails, because boarders are a far larger share of the daily population in Cumberland County. Table 4.2.4 compares statewide inmate housing costs to

[21] See for example the presentation by the Department of Corrections to the Alternative Correctional Study Committee entitled "MDOC Adult Facilities and County Present Cost" (11/05): http://www.maine.gov/corrections/cacc/SupMat/index.htm .

Table 4.2.4: Comparison of Costs of Housing Inmates, With and Without Double Count of Boarding Fees

	Statewide			Cumberland County			
	Total	Annual Per ADP Inmate	Daily Per ADP Inmate	Total	Annual Per ADP Inmate	Daily Per ADP Inmate	% of Statewide Average
Before Adjusting for Boarding Payments [1]							
With debt service included	$65,076,627	$40,496	$111	$17,735,514	$35,685	$98	89%
Without debt service	$56,484,800	$35,149	$96	$15,579,752	$31,348	$86	89%
After Adjusting for Boarding Payment [1]							
With debt service included	$57,949,871	$36,061	$99	$13,517,006	$27,197	$75	75%
Without debt service	$49,358,044	$30,714	$84	$11,361,244	$22,860	$63	74%

[1] Boarding fees were estimated using the state rate of $98 multiplied by the number of boarders.

Once the estimated impact of the boarding double count is removed, Cumberland County's comparative position declines further, to only 75% of the Cumberland County's costs, both before adjusting for the double count for boarding expenditures and after removing the estimated overlap. Before adjusting for the boarding double count Cumberland County's per inmate expenditure is only 89% of the state average. This is a truer measure of the fiscal effort required to operate the jail than is the total budget, which includes the increased spending purchased by and expended on behalf of other counties.

4.3 Estimating a Total Budget for the Cumberland County Jail

It would be useful to identify more definitively whether total spending for the Cumberland County Jail is low, high, or about as expected, given circumstances facing the jail that influence costs. In public finance, a "reference set" analysis is the preferred method for making this type of determination. There are two basic approaches to conducting a reference set analysis. The simpler method involves carefully selecting a small group of similarly sized and similarly situated jails, whose budget data would be averaged and used as a benchmark of "expected" budgetary response, given conditions. A more sophisticated method involves modeling expenditures statistically using linear regression analysis. With this method, the analyst develops a regression model that is used to predict the spending level of the jail of interest, which can then be compared to the actual spending level.[22]

A regression study requires data for a larger number of jails, so the process is more time consuming and expensive, and has the added disadvantage of requiring the user to have significant statistical knowledge. While not appropriate for annual budget analysis, occasional development of a benchmark using regression analysis can aid planning greatly. Given the timing of this study, which coincides with a major strategic planning effort in Cumberland County, using regression analysis to estimate spending for the jail should prove useful.

Whether a simple reference set approach or the more sophistical statistical modeling method is used, the ability to gauge whether spending is lower, higher, or about as expected depends on the quality of estimates. In the simple comparison method, a crucial factor is the comparability of the jails. When using a regression model, there is more flexibility in selecting the comparison group. First, a larger set of jails is required to use regression analysis. Second, the spending level predicted for a jail is not a simple average of spending by the sample of jails, but instead a statistically derived estimate. Third, jurisdictional differences that complicate selecting a high quality, small reference set are addressed by multiple regression analysis, which involves the use of additional predictor variables to serve as "controls". Finally, as part of the modeling process, a determination is made about the quality of the estimates, which depends on how well the data *explains* differences in spending.

Jails selected as a reference set for the Cumberland County Jail would need to be about the same size, house similar types of prisoners (e.g., percentages at maximum security level), and face similar fiscal circumstances. Ideally the jails would be located in the same state, to minimize differences due to variations in laws and justice system policies. Within Maine, there are no jails that meet the size criterion, but there are many important similarities that argue for a Maine-based sample. On the other hand, it would be helpful to see how the Cumberland County jail compares to other similarly sized and larger jails. So a second sample was developed that includes data for all Maine and all Massachusetts

[22] Regression analysis also can be used to predict future spending for a new or expanded jail and to conduct "what if" analysis for planning jail size. A regression model using jail capacity as the predictor variable was used to estimate costs for Maine's new jails, as presented earlier in this chapter.

jails. Let's begin with the data for the Maine-based sample.

When undertaking a regression study, analysts usually begin by assessing the degree of association between the dependent and independent variables, in this case jail spending and variables expected to predict spending. In addition to reviewing a statistic called a correlation coefficient, analysts rely on a statistical graph called a "scatter plot" to see the data. Viewing a scatter plot requires no statistical knowledge and is a good way to gain a sense of what regression analysis is all about. Figure 4.3.1 shows the connection between average daily populations and spending for each jail in Maine.

Figure 4.3.1

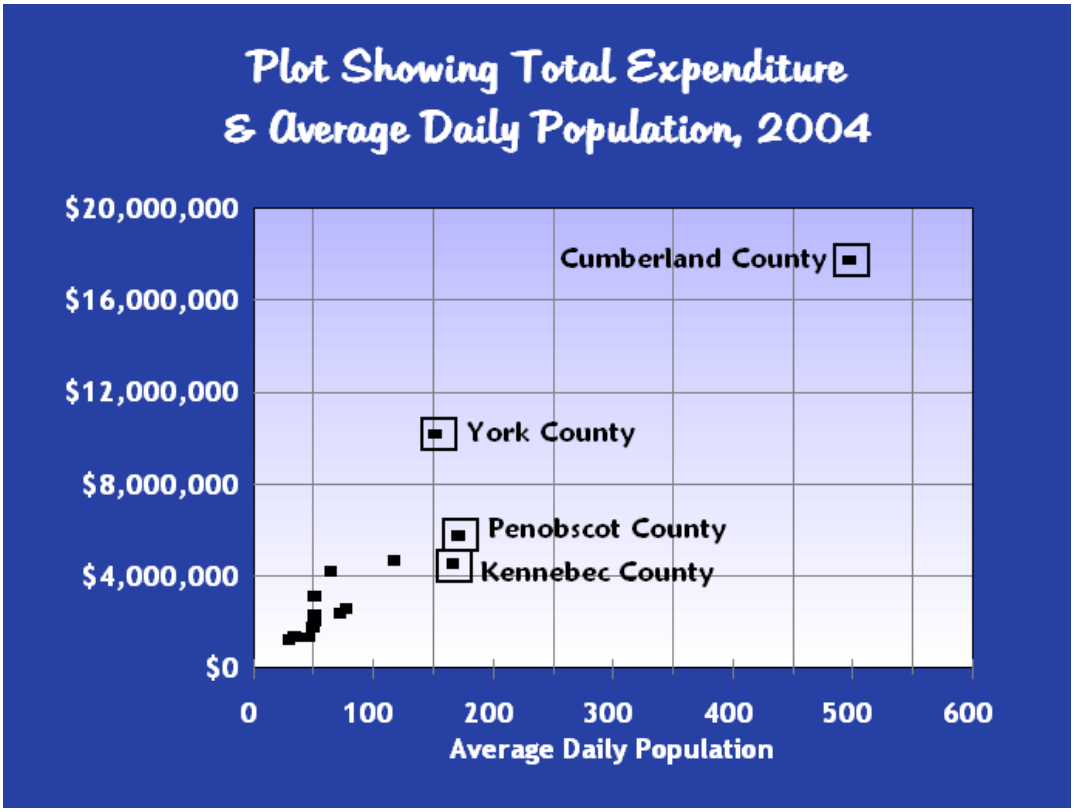


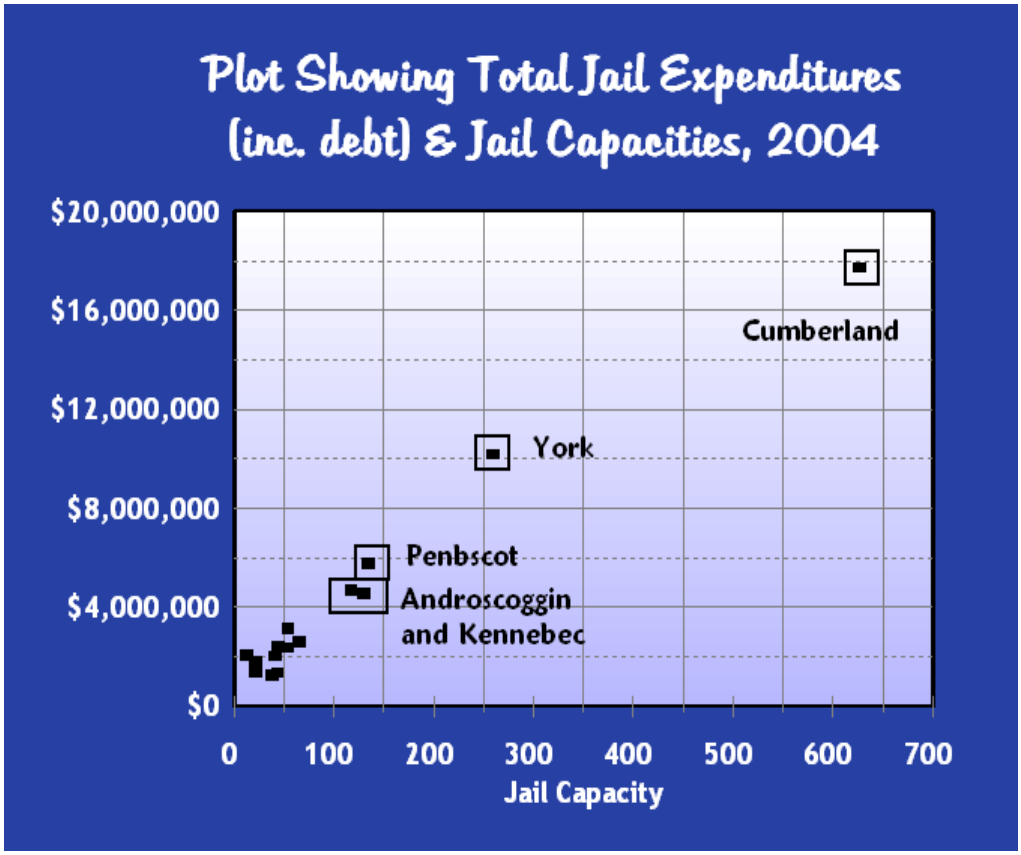
Exhibit 4.3.1: Reading a Statistical "Scatter" Plot

The graphs in this section show a plot of the values for two variables. Each marker on the plot shows the intersection of the two variables for a specific case, for example, the average daily population of the Cumberland County Jail with its total expenditure. On Figure 4.3.1, the markers for several jails are labeled. If you look at Cumberland County, you will see that the marker indicates an average daily population of almost 500 and spending of approximately $17 million (including debt service).

As Exhibit 4.3.1 explains, each marker on the plots shows the intersection of the two variables. As you can see, the markers line up tightly on both plots—so much so that you could easily "shoot an arrow" through the data points—and form a straight line. When the values of two variables form a straight line and are tightly clustered, we know that there is a very strong link between the two variables, in this case, average daily population and total spending.

Figure 4.3.2 shows the link between jail capacities and spending. This scatter plot shows an even tighter clustering of the data points and the straight line is easy to visualize. This tells us that there is an even stronger link between jail capacity and spending for jails in Maine.

Figure 4.3.2



While the scatter plots tell us that we will be able to obtain good regression models using the Maine data, they also alert us that the Cumberland County Jail is an outlier among Maine jails. Fitting a line to the data suggests that spending for the Cumberland County Jail lines up nicely with spending for other jails in the state. However, we have no way of knowing whether there should be a straight line through the data points, or whether an alternative shape would be more likely for a jail housing more than 600 inmates. One aspect of economic theory suggests that because the jail is large, it should have economies of scale that other Maine jails lack. These size economies might be expected to produce a downward turn to spending once a jail reaches a certain size. However, there also is the potential for diseconomies of very large scale (as discussed in Chapter 2), which would push the spending of large jails higher than smaller jails would predict.

Increasing the size of the sample to include some jails that are as large and larger than Cumberland County will provide a check on the applicability of a Maine jail model to the larger Cumberland County Jail. In order to do this, budget data was obtained for all Massachusetts jails.

At first glance, Massachusetts may not seem to be a good reference state for Maine. However, Maine jails will not be compared to Massachusetts jails. Instead, the data from the two states will be combined to form a single data set that places the Cumberland County Jail within a range of smaller and larger jails. Compared with Maine's neighbors in Vermont and New Hampshire, Massachusetts offers the distinct benefit of having a large number of jails that are larger and smaller than the Cumberland County Jail, with the Norfolk County jail being very similar in size. Although Massachusetts is a larger state and more urbanized than Maine, the same can be said about Cumberland County with respect to the rest of Maine. The cost of living is higher in many counties in Massachusetts than it is in Maine as a whole, but the average for Massachusetts is close to the average for greater Portland. Portland's larger population size and greater racial diversity sets Cumberland County apart not only from the rest of Maine but also from northern New England.

The combined data set of Maine and Massachusetts jails produces an average that is much closer to the conditions in greater Portland than could be obtained with a broadened but nonetheless non-metropolitan data set. The best indicator of the quality of the data set is the very high correlation between spending and average daily population. Figure 4.3.3 shows a scatter plot of ADP and total spending for Maine and Massachusetts jails. The correlation between average daily population and spending are very strong (R = 0.97), which actually is stronger than the correlation between ADP and spending when only Maine jails are included.

Another important factor that makes Maine more comparable to Massachusetts than to the other New England states is the high expenditure in both states for medical care for prison inmates. According to a 2004 Bureau of Justice Statistics study of 2001 prison expenditures, Maine spent $5,601 per inmate for medical care, compared with $4,049 in Massachusetts.[23] Maine and Massachusetts stand out from the U.S., falling among the top 5 states for per inmate spending for medical, but Maine is the highest in the United States. In 2006 dollars, Maine's 2001 spending is equivalent to $6,271 per inmate and Massachusetts' spending is equal to $4,533 per inmate, a real dollar difference of $1,737 (38%).

While some difference between prison and jail expenditures for health and mental health care can be expected, it is likely that the jails are seeing more people who are not in good health. First, many people who suffer from brain disorders are jailed for minor offenses and released back into the community. Secondly, there is a higher rate of incarceration in jails for people who are homeless. Therefore, it is likely that state level spending for medical and psychological services will underestimate the needed spending level for jails. And the lower medical spending in Massachusetts will tend to underestimate total spending need in Maine.

Regression models were developed using the Maine data set and a combined Maine-Massachusetts data set. Then, a separate model was developed, using jails with average daily populations of more than 100, but excluding the very large Suffolk County, where an average daily population of more than 2,400

[23] See J.J. Stephan. (2004). *State Prison Expenditures 2001.* Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. NCJ202949.

Figure 4.3.3

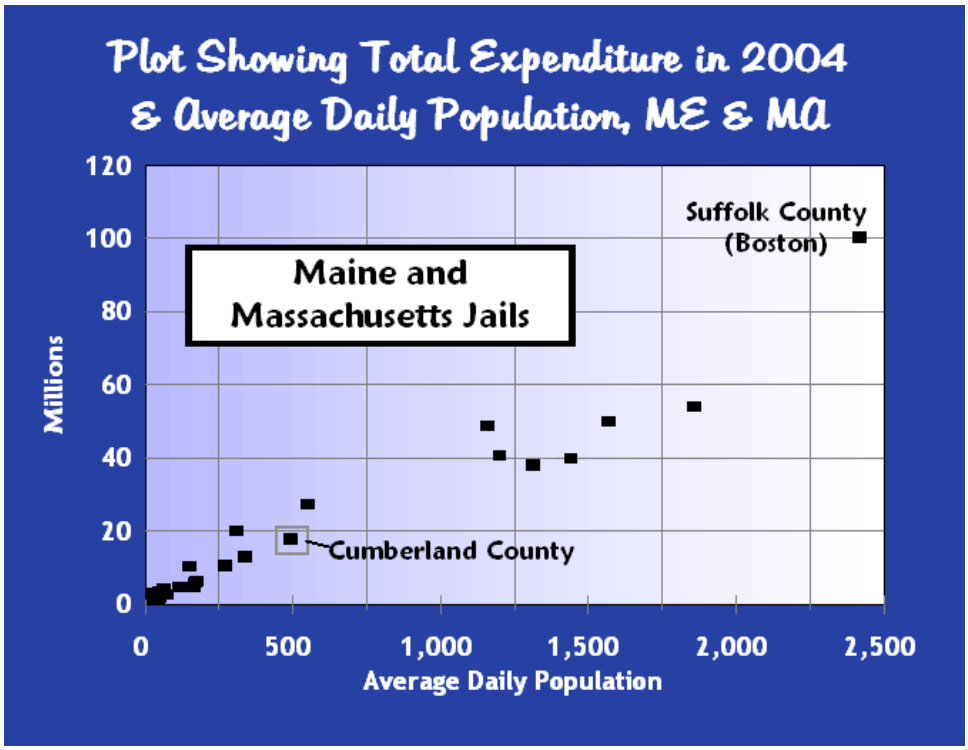
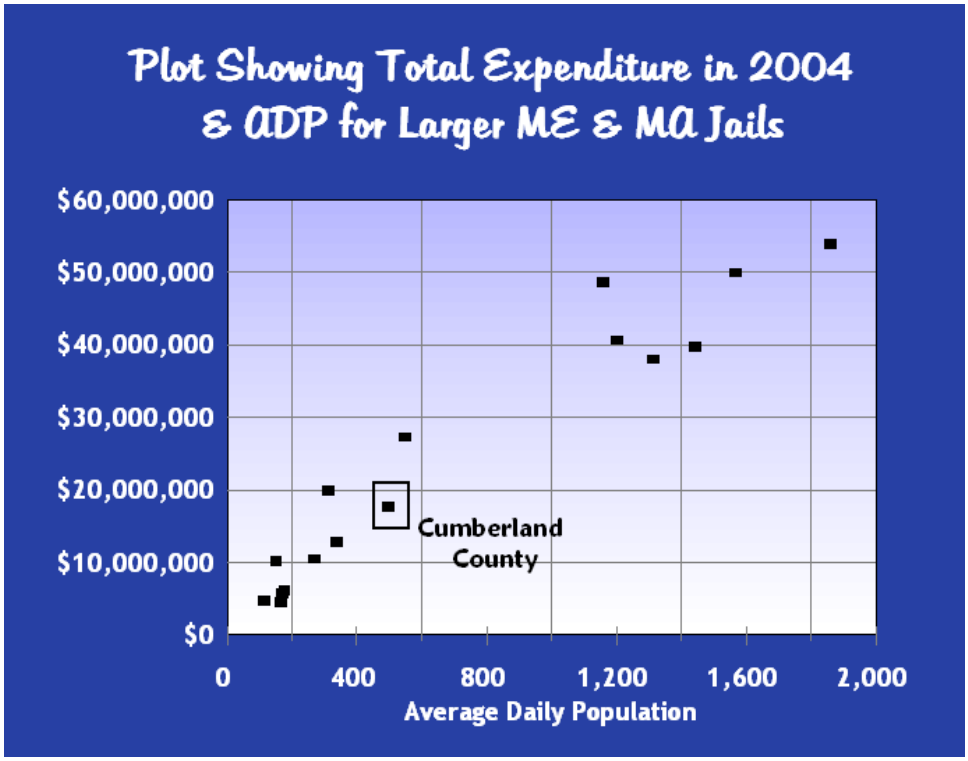


Figure 4.3.4



exceeds every other jail by a large margin. Figure 4.3.4 shows the scatter plot for the larger jails sample. Notice that the scatter plot for the large jails sample shows that spending for the Cumberland County jail falls below that of similarly sized and below a line sketched through the plotted values. We can compute the difference between the Cumberland County Jail's actual spending and the spending level estimated by a plotted line using the results of the regression model.

Regression Results

Table 4.3.1 presents the results of two simple linear regression models. Each model uses one independent variable, either average daily population or jail capacity, and the dependent variable 2004 jail expenditure including debt service.[24] The models are arranged in the order of their explanatory power.[25,26] These models are extremely strong, explaining between 93% and 97% of the differences in total spending across the jails in each sample.

Although average daily population was a reasonably good predictor of total expenditures of Maine jails, jail capacity was an extremely strong predictor, explaining 97% of the differences in spending. It is important to recognize that size of a jail is a more important influence on spending than average daily population. As discussed in Chapter 2, jail budgets are characterized by high fixed and semi-fixed costs and are influenced less by variable costs. The regression model's intercept value shows that there is a required, threshold expenditure of $1,179,580, and then each inmate adds an estimated $27,568 to the cost of providing jail services.

Jail capacity data for Massachusetts, as published by the Massachusetts Department of Revenue, did not seem to be comparable to Maine data due to differences in computing maximum capacity. Therefore, average daily population was used as the independent variable and produced another excellent model, with explanatory power of 93%. The stability of estimates across models is an important gauge of the quality of regression models, and evidence of the reliability of estimates.

> ✔ **The results of the regression analysis suggest that the Cumberland County jail may have unmet spending needs totaling between $648,097 and $728,962 in 2004 dollars, which is equivalent to $685 to $770 thousand in 2006 dollars.**

The higher estimate is derived from the Maine based data, which may seem surprising. However, as discussed already, Maine jails are likely to be seeing a larger number of people with mental health needs

[24] As part of this study, a variety of simple linear and multiple regression models were developed to estimate spending. Jail capacity and average daily population size consistently predicted spending with a high degree of accuracy. In the presence of either of these variables, other potential independent variables did not improve the explanatory power of the model, were not statistically significant, and produced extremely low values of the tolerance statistic (which indicates violation of the regression assumption of the statistical independence of predictor variables.)

[25] Both models use only one variable to predict spending. Because jail capacity and average daily population are such strong predictors of total spending, when multiple regression models were developed using variables like capacity utilization, the added variables did not improve explanatory power and tended to produce statistical problems due to the high correlations between many potential predictors.

[26] The quality of the models was assessed using an adjusted R^2 (R^2_a) and diagnostics to check for violations of regression assumptions.

Table 4.3.4 Comparing Actual Spending with Predicted Spending Levels for the Cumberland County Jail

Regression Models (arranged in order of model's predictive strength, the R^2_a)	Independent Variable	Regression Model Statistics			Cumberland County Jail: Actual and Predicted Spending		
		Regression Constant	Regression Coefficient (t-value)	Model's Predictive Strength (R^2_a)	Predicted Spending in 2004 Dollars	Actual Spending (including debt service) in 2004 Dollars	Actual Spending Minus Predicted Spending= *Spending Gap in 2004 Dollars*
Maine Jails	**Jail Capacity**	1,179,580	27,568 (20.9)	0.97	$18,464,476	$17,735,514	**– $728,962**
ME & MA Jails >100 (excluding Suffolk Co.)	**ADP 2004-05**	4,141,210	28,657 (13.5)	0.93	$18,383,611	$17,735,514	**– $648,097**

and to be spending more for health care. Therefore, it is likely that the higher estimate from the Maine based jails is picking up on cost differences that otherwise would need to be factored into estimates manually.

- ✔ The fact that Maine and Massachusetts jails have total expenditures that are predicted so accurately with the independent variable average daily population—despite Maine's higher spending for medical care—suggests that other spending is being crowded out by expenditures for medical needs of inmates.

The possibility that spending for medical care is crowding out other needed expenditures may be more likely for the Cumberland County Jail than for other jails in Maine. Not only is Portland Maine's largest city, but it is the largest in northern New England. Portland sees a more people high needs for social services, including homeless people. Because the homeless and low income, and especially those among the homeless and low income who suffer from brain disorders and developmental disabilities are more likely to spend time in jail, the Cumberland County jail can expect to see a larger portion of persons in need of health and mental health care. The analysis in the next section compares spending for medical care in the Cumberland County Jail to other jails in Maine and to the state prisons. The higher than average cost of care and the more substantial claim on the Cumberland County Jails's budget confirms the sense of a displacement of needed spending.

4.4. A Closer Look at Trends: *Components of Jail Spending*

In this section, the Cumberland County Jail's major expenditure components are considered: salaries, employee benefits, operations and maintenance, and "all other". Because the category "operations and maintenance" encompasses a broad array of expenditure accounts that have been experiencing vastly differing trends, each of the following components is considered separately: spending for medical care, operations and maintenance less medical care, food and other variable cost accounts, liability insurance, and capital investments.

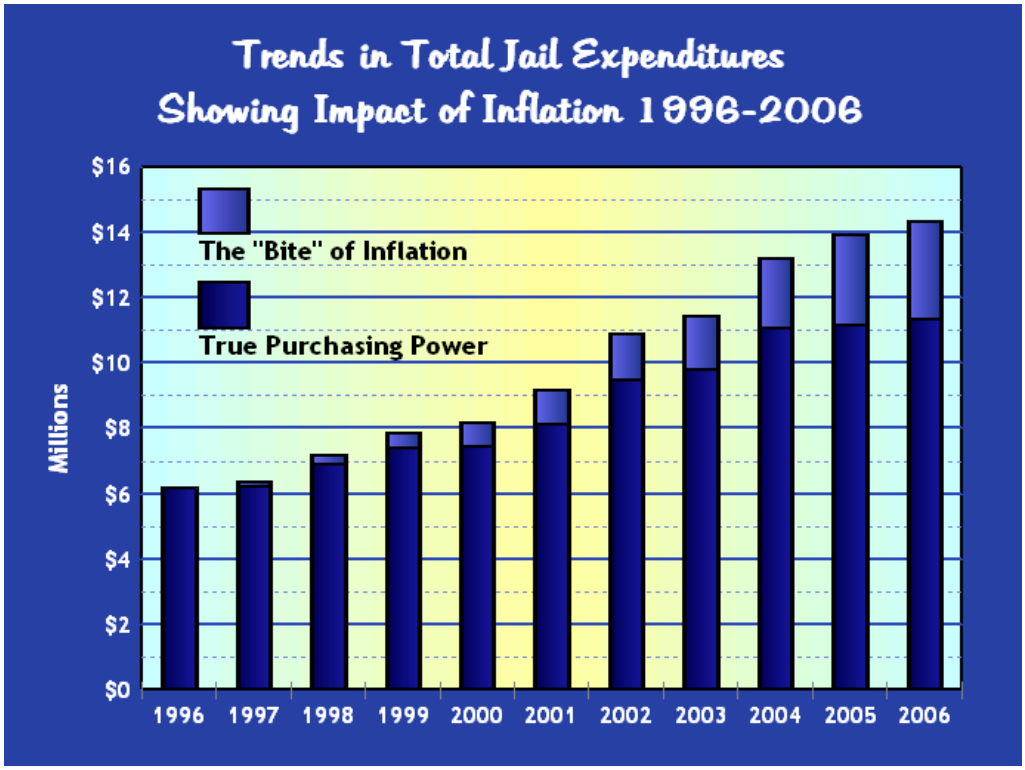
Studying Budget Trends

To decipher trends and assess accurately the impact of new or changed policies and programs on trends, data needs to be handled carefully. First, as the preceding section underscores, it is essential to deflate dollars. Viewing unadjusted spending can lead to some serious misconceptions about trends, particularly because larger budgets are influenced more by inflation. Second, adjusting data to reflect changed service conditions is im-portant. We will want to factor into the analysis of budget components the growth of average daily population, especially accounts expected to respond to changed population size. Third, a comparatively long view of data enhances the ability to pinpoint and understand trends, and to distinguish true changes and trends from temporary "blips". Jail budgets, like most government budgets, contain some accounts that vary greatly from year to year. For example, equipment purchases may be irregular or a major repair may increase a budget for one or two years, after which a "normal" spending level resumes. Also, jail populations are influenced by many forces. Some factors that effect inmate population size, such as the economy, are cyclical in nature. Considering more years of data helps the analyst to separate cyclical impacts from other trends. Finally, many analyses rely on data from begin and end points, such as 1996 and 2006, with no consideration of what happened in the interim. While this approach is useful for gaining an impression of trend and for generating questions, the analyst needs to get into the detail. Throughout this analysis it has become clear that 1996 was an unusual year; using only 1996 and 2006 could lead to some serious mistakes in evaluating trends. Therefore, wherever possible, data is presented for each year in a series, so atypical spending levels will be apparent.

Overview of Jail Spending Trends

Figure 4.4.1 shows the inflation adjusted and unadjusted expenditure trends for the jail for each year, from 1996 through 2006.[27] Inflation is shown as a darkened area on each bar, to indicate the loss of purchasing power. Before adjusting for inflation, total expenditures increased from $6,143,685 in 1996 to $14,319,538 in 2006, for unadjusted dollar growth of $7,766,985 or 133%. Once the trend has been adjusted to reflect the bite of inflation and the resulting true purchasing power, the jail budget still shows notable growth. Between 1996 and 2006, budgeted expenditures increased by 84%; real growth over the 10-year period in 2006 dollar values is equivalent to $6,552,553. From 2004 through 2006, spending has leveled off.

Figure 4.4.1



Growth in dollars expended should be adjusted to reflect the conditions under which services are provided. When the average daily population of the jail is considered, some trends look quite different. Figure 4.4.2 shows the trend in the in-house population between 1996 and 2005, while Figure 4.4.3 shows per inmate spending. Notice that the strong growth in total spending evaporates when adjusted for the number of inmates served. In 2006 dollars, there was a decrease between 1996 and 2006 in per inmate spending of $6,463 or 16.4%. In 1996, the average daily population was only 197, compared with counts that exceeded 250 in both 1997 and 1998. The sharp drop in per inmate spending in 1997 might be explained by similar total spending levels, but a larger inmate population. In 1998, when the population remained high, spending increased only slightly and then declined for two years before beginning to recover in 2001.

[27] These figures were obtained from the Sheriff Department's internal, detailed electronic budget files. Trends for 2004-06 tracked in the previous sections are based on the 2006 Cumberland County Budget document.

Figure 4.4.2

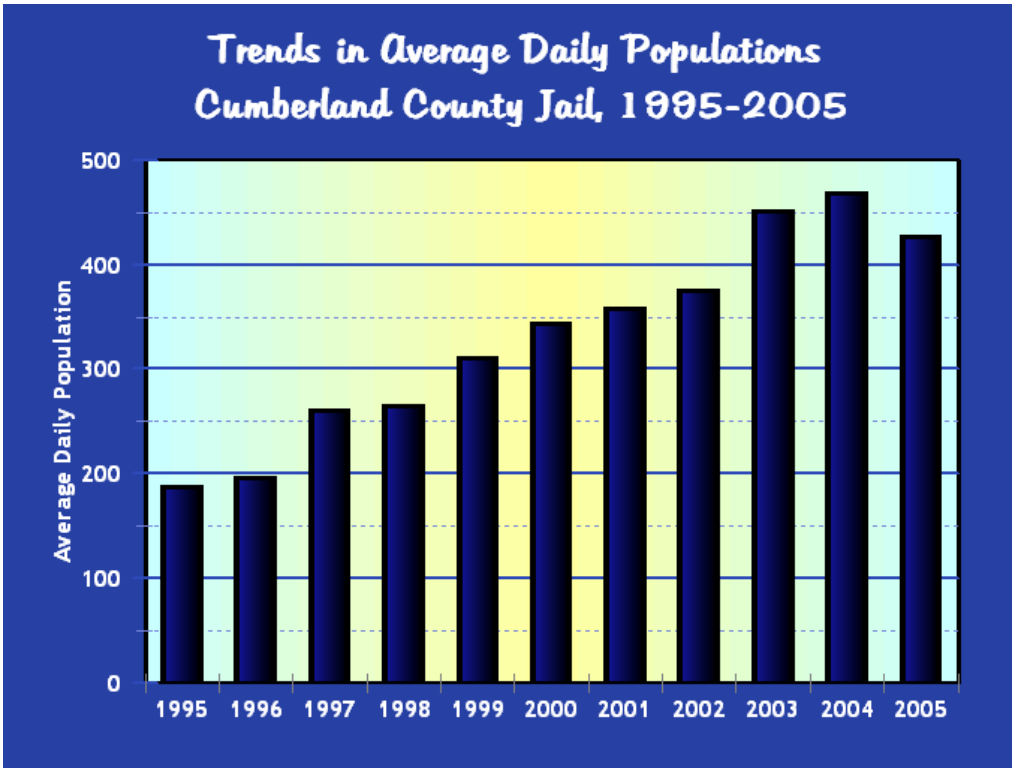
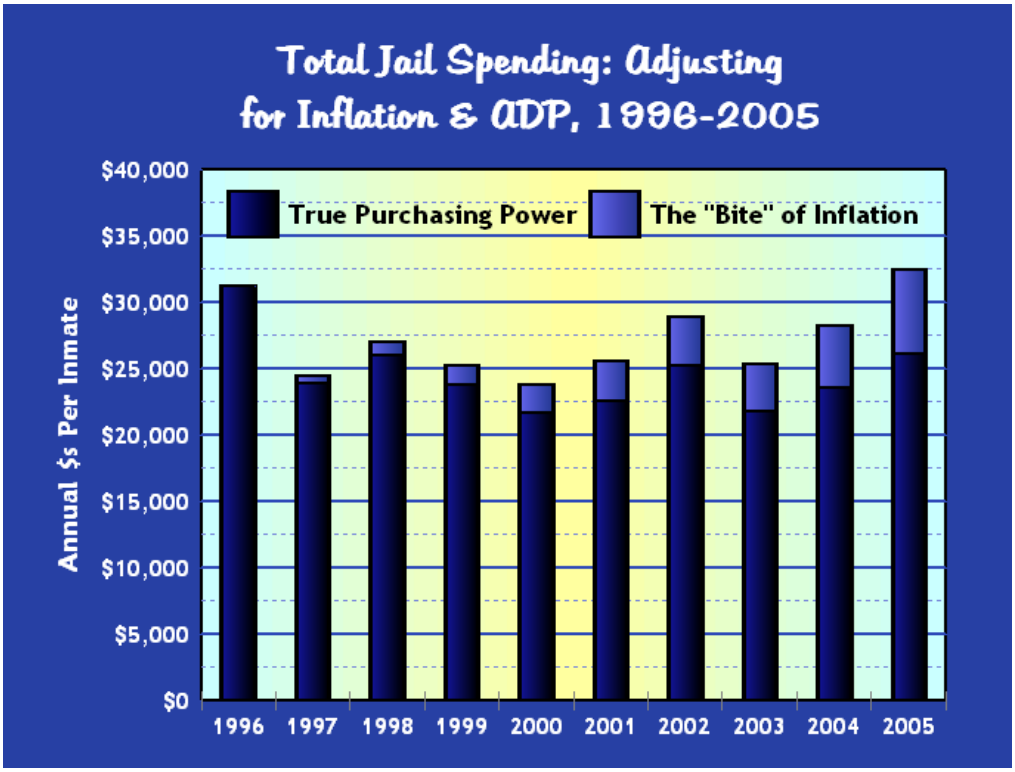


Figure 4.4.3

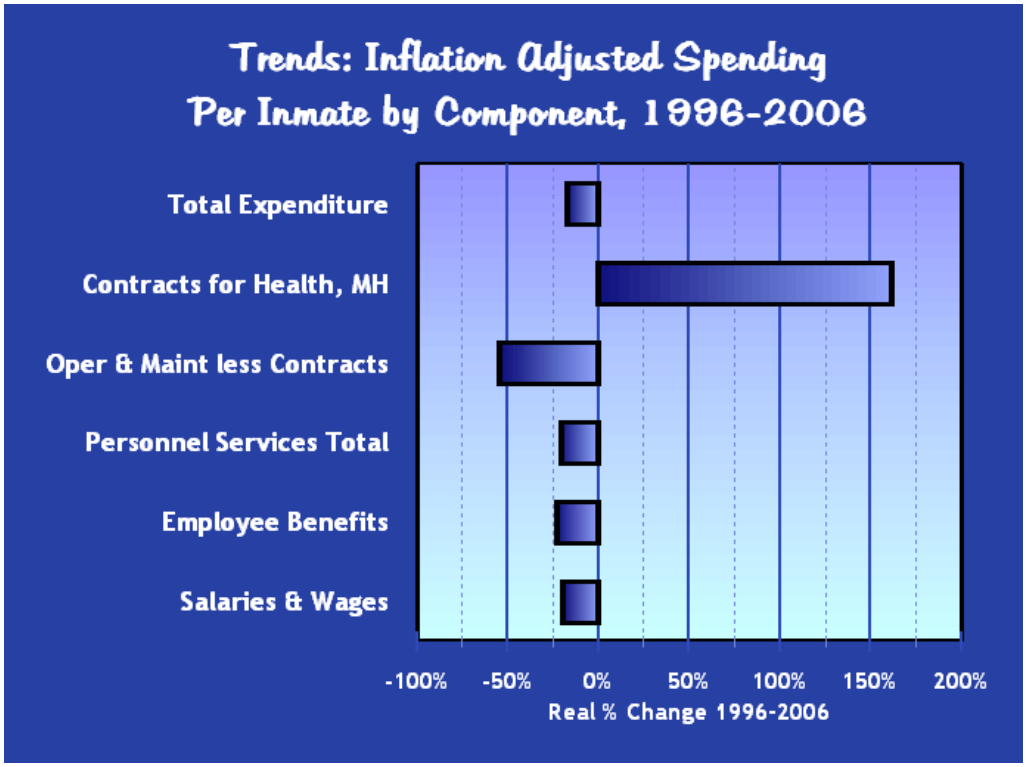


In 2002, total spending per inmate reached its highest point since 1996, but the real dollar value nonetheless was equivalent to 1998 spending. The significant increase in 2002 was followed by another drop in per inmate spending in 2003, with recovery occurring through 2005. The 2005 per inmate expenditure is quite similar to both 1998 and 2002 in real dollars.

It is important to note that the uneven pattern of per inmate spending does not reflect decisions to spend more (or less) on each inmate, but instead reflects the combination of cumulative and annual spending choices with fluctuating population levels. As discussed in Chapter 2, increases in populations do not necessarily trigger new, proportional spending, nor do decreases save large sums. Nonetheless, there are some variable cost components of jail budgets that do respond to population growth. In addition, rising populations create pressure to expand semi-fixed capacity, for example, by increasing spending for personnel.

Figure 4.4.4 considers trends in various budget components after adjusting for both inflation and the number of inmates. [28]

Figure 4.4.4



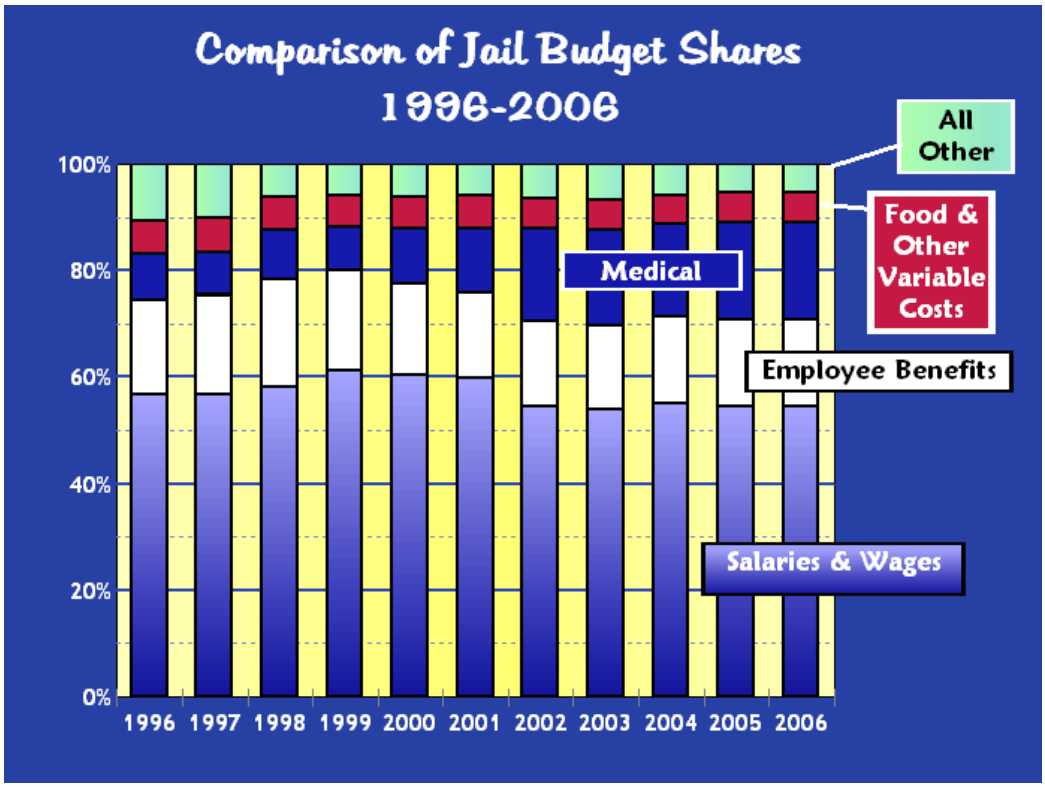
Once expenditures have been adjusted for inflation and population size served, only medical care continues to show a real dollar increase. The divergence of trends across budget components is striking, suggesting that tradeoffs have been made across budget components to control growth in the total budget.

Figure 4.4.5 compares the shares of budget of the major spending components between 1996 and 2006.

[28] Because these trends are measured over a ten year period, all increases and decreases should be divided by ten to gain a better sense of annualized budgetary changes. A real dollar increase of 100% over ten years is equivalent to an annualized growth rate of 10%.

The dramatically different trends have produced a pattern of expenditure that is notably different from 1996.

Figure 4.4.5



Between 1996 and 1999, salaries and benefits increased as a share of spending, which is not unexpected given the need to staff for much larger populations. Despite continuing growth in average daily populations, salaries and benefits began declining as a share of total in 2000. In 2003 and 2004, when there was a sharp increase in average daily population, salaries and employee benefits dropped as a share of total and since then has held steady. The "All Other" category, which includes expenditure accounts ranging from jail liability insurance to capital assets, has been shrinking. Although not as visible, non-medical variable cost items like food and kitchen supplies also have been seeing a declining portion of total spending.

Changing shares within a budget do not necessarily indicate a problem. It is possible for a budget component to grow, and grow quickly, but nonetheless be crowded out by other components that are growing more rapidly. In the case of the jail budget, however, the reduced shares of the total budget reflect significant real per inmate dollar losses in every area except medical care.

Table 4.4.1 provides detailed trend information by budget component in three parts. Part A shows spending prior to any adjustments. In Part B, all expenditures are converted to 2006 dollar values. This adjustment has the effect of increasing the expenditure for years prior to 2006. For example, the 1996 expenditure for salaries and wages was $3.5 million, but that amount is equivalent to about $4.4 million in 2006 dollars. All real dollar differences are expressed in 2006 dollar values. In Part C expenditures are adjusted further, to show inflation adjusted spending trends for each budget component on a per inmate basis.

Table 4.4.1: Trends in Spending by Budget Component, 1996-2006

Year	Salaries and Wages	Employee Benefits	Medical Care	Food & Other Variable Costs	All Other	Total
PART A: CURRENT UNADJUSTED DOLLARS						
1996	$3,482,446	$1,091,446	$534,129	$384,980	$650,684	$6,143,685
1997	$3,621,475	$1,186,837	$512,600	$414,960	$639,653	$6,375,525
1998	$4,188,435	$1,457,202	$652,009	$453,000	$442,915	$7,193,561
1999	$4,834,229	$1,490,861	$652,009	$452,500	$464,963	$7,894,562
2000	$4,937,460	$1,390,554	$854,630	$491,500	$499,026	$8,173,170
2001	$5,480,527	$1,465,415	$1,118,000	$562,500	$547,398	$9,173,840
2002	$5,926,754	$1,746,678	$1,893,000	$613,750	$711,402	$10,891,584
2003	$6,196,123	$1,802,472	$2,065,238	$628,500	$774,703	$11,467,036
2004	$7,295,990	$2,126,093	$2,321,695	$689,500	$778,925	$13,212,203
2005	$7,569,098	$2,282,802	$2,534,871	$761,518	$752,885	$13,901,174
2006	$7,815,796	$2,327,089	$2,644,468	$768,600	$779,885	$14,335,838
Change	$4,333,350	$1,235,643	$2,110,339	$383,620	$129,201	$8,192,153
% Change	124.4%	113.2%	395.1%	99.6%	19.9%	133.3%
PART B: REAL INFLATION ADJUSTED DOLLARS (Expressed in 2006 Values)						
1996	$4,401,332	$1,379,437	$675,066	$486,562	$822,375	$7,764,772
1997	$4,474,383	$1,466,354	$633,324	$512,689	$790,300	$7,877,051
1998	$5,095,501	$1,772,780	$793,211	$551,104	$538,835	$8,751,430
1999	$5,754,067	$1,774,536	$776,071	$538,600	$553,434	$9,396,709
2000	$5,685,821	$1,601,317	$984,165	$565,996	$574,662	$9,411,961
2001	$6,136,581	$1,640,835	$1,251,832	$629,835	$612,925	$10,272,007
2002	$6,532,937	$1,925,327	$2,086,614	$676,524	$784,164	$12,005,565
2003	$6,703,171	$1,949,974	$2,234,243	$679,932	$838,099	$12,405,419
2004	$7,712,126	$2,247,357	$2,454,116	$728,826	$823,352	$13,965,777
2005	$7,685,367	$2,317,868	$2,573,809	$773,216	$764,450	$14,114,710
2006	$7,815,796	$2,327,089	$2,644,468	$768,600	$779,885	$14,335,838
Real $ Change	$3,414,464	$947,652	$1,969,402	$282,038	($42,490)	$6,571,066
Real % Change	**77.6%**	**68.7%**	**291.7%**	**58.0%**	**-5.2%**	**84.6%**
PART C: PER INMATE SPENDING IN REAL DOLLARS (Expressed in 2006 Values)						
1996	$22,376	$7,013	$3,432	$2,474	$4,181	$39,475
1997	$17,196	$5,635	$2,434	$1,970	$3,037	$30,273
1998	$19,216	$6,686	$2,991	$2,078	$2,032	$33,004
1999	$18,530	$5,714	$2,499	$1,734	$1,782	$30,260
2000	$16,576	$4,668	$2,869	$1,650	$1,675	$27,439
2001	$17,101	$4,572	$3,488	$1,755	$1,708	$28,625
2002	$17,393	$5,126	$5,555	$1,801	$2,088	$31,962
2003	$14,870	$4,326	$4,956	$1,508	$1,859	$27,519
2004	$16,466	$4,798	$5,240	$1,556	$1,758	$29,818
2005	$17,975	$5,421	$6,020	$1,808	$1,788	$33,012
Real $ Change Per ADP	($4,401)	($1,592)	$2,588	($665)	($2,393)	($6,463)
Real % Chg Per ADP	**-19.7%**	**-22.7%**	**75.4%**	**-26.9%**	**-57.2%**	**-16.4%**

A review of Table 4.4.1 shows that medical care spending increased by $1.9 million (+292%) between 1996 and 2006 in inflation adjusted dollars. Once adjusted for both inflation and average daily population sizes, a sizable increase of $2,588 per inmate remains. During the nine year period 1997 through 2006, spending for medical care increased by $3,586, more than doubling the 1997 expenditure.

Part C of Table 4.4.1 shows that even with significant growth in medical care spending per inmate, on a population adjusted basis there was a real dollar decline in spending of $6,463 per inmate or 16.4%. The rapid expansion of medical care spending in the face of an overall real dollar decline can not help but produce compression of spending in other areas. Let's take a closer look.

A Closer Look at Trends in Budget Components

This section relies on graphical displays to paint a picture of trends. Sheriff Dion and his staff are well prepared to examine the visuals and determine which trends are expected, which are surprising, and which may signal problems to be discussed and addressed at budget time. Therefore, this section will feature brief overviews of budget data and some thoughts on trends.

A. Trends in Spending for Personnel

Figures 4.4.6 and 4.4.7 show trends in spending for personnel. Figure 4.4.6 shows spending from 1996 through the budgeted amount for 2006, with the "bite of inflation" noted with a lighter blue shading. Notice that there has been steady growth in personnel costs, but the inflation adjusted dollars are showing a slowed trend since 2004. Review of internal budget documents shows that the full time personnel complement was increased by ten positions in 2004, but the cost was offset greatly by a substantial decrease in overtime spending.

Figure 4.4.7 shows personnel costs expressed on a per inmate basis. Because personnel is a semi-fixed cost, spending will not rise and fall directly with changes in the number of inmates housed, but instead will increase at distinct points, as capacity is added. Once capacity has been added, the staffing level generally remains stable for some time. Overtime wages often are paid to smooth the transition when the time for adding capacity is approaching, but the jail is not yet ready to hire more full time staff. The changeover in 2004 from paying overtime to adding full time personnel is characteristic of the linkages between semi-fixed and variable cost trends. Viewing personnel spending on a per inmate basis over a long period lets us assess the responsiveness of the budget account. Increased "utilization of capacity", i.e., more prisoners per corrections officer, is only workable up to a point. The longer time frame permits the analyst to observe where increments in capacity have occurred and to consider an smoothed, average trend.

A review of the charts suggest that personnel costs may be lower than expected and have risen only slowly, in the face of both rising inmate populations and higher health care costs. Frequent turnover of personnel may offer a possible explanation. When turnover is rapid, a larger portion of total staff are working near the entry salary level, which has the effect of depressing the average salary. While turnover

Figure 4.4.6

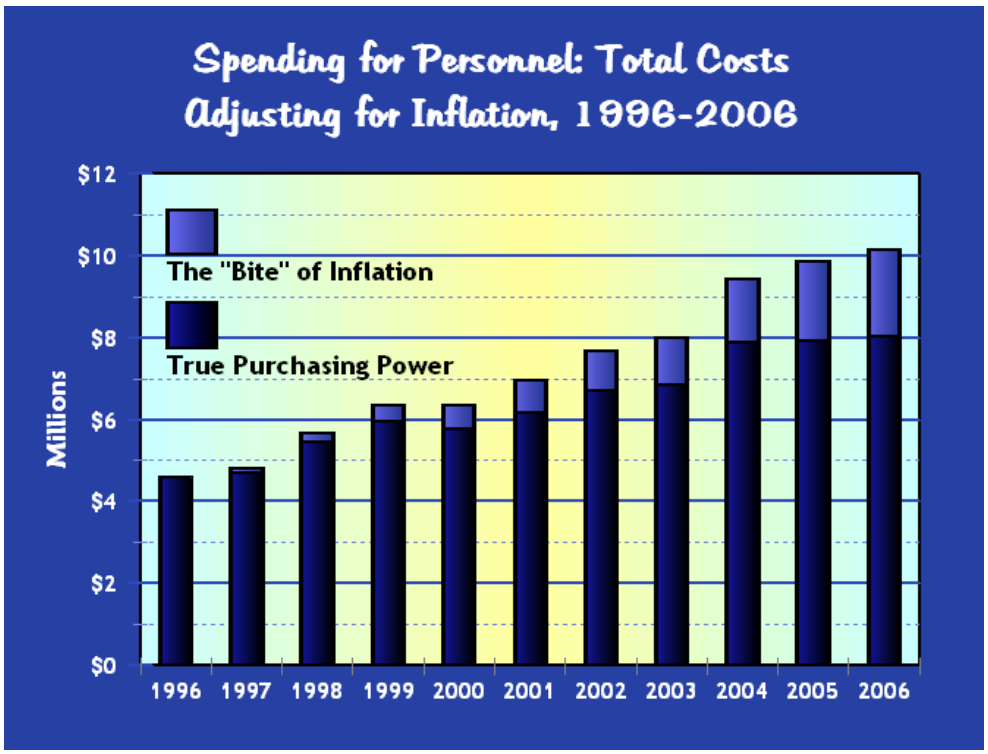
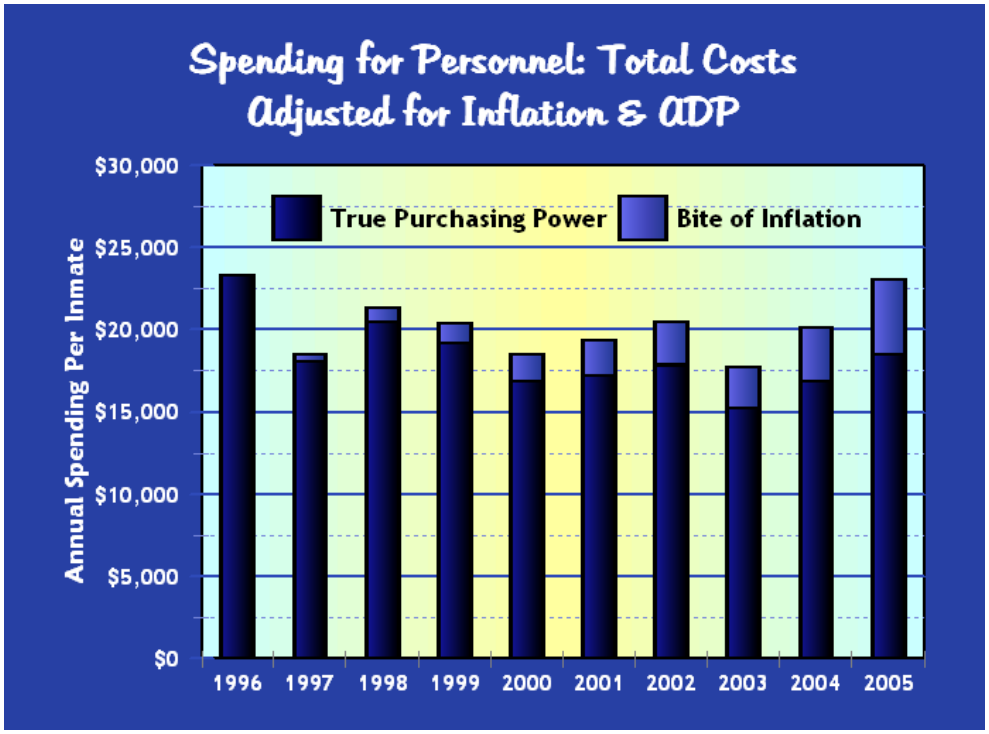


Figure 4.4.7



saves money in the personnel line of the budget, hiring costs often are evident in other parts of the budget, such as advertising, psychological testing for corrections officer applicants, and training. All of these expenditure areas have shown sizable increases, with notable increments in spending occurring in 2001 through 2002. In fact, these increases explain much of the growth in "all other" spending. There also may be opportunity costs associated with a less experienced employment complement. The Sheriff may want to examine the issue of turnover and decide whether to study this area further.

B. Trends in Spending for Operations and Maintenance, Including Medical Care

On the next page, Figures 4.4.8 and 4.4.9 show trends in operations and maintenance spending. The variety of accounts that comprise operations and maintenance will tend as a set to be more variable in nature than personnel. Hence, it is not surprising that real spending has increased steadily as inmate populations have increased over the past decade. Figure 4.4.8 shows that spending for operations and maintenance increased sharply between 2001 and 2002, even in real dollars terms. Figure 4.4.9 shows that per inmate spending declined steadily between 1996 and 1999, and then started to increase, reaching a peak in 2002, then ebbing, only to see another jump in 2005. The spike in spending between 2001 and 2002 remains, even after adjusting for average daily populations. Also, notice that the heights of the darker part of the bars for 2002 and 2005 are quite similar, indicating only a slight increase in real spending for operations in 2005.

C. Trends in Spending for Contracted Medical Care Services

Medical care services have been an increasingly important component of spending for operations and maintenance. Two pages ahead, Figures 4.4.10 and 4.4.11 trace spending trends for health and mental health services. Even a quick glance at Figure 4.4.10 reveals the source of the spending spike that occurred between 2001 and 2002 observed in operations and maintenance. Medical care services are largely a variable cost account and can be expected to vary with the number of inmates in the jail. Notice that when adjusted for the number of inmates, there still was a huge jump in spending for these services between 2001 and 2002.

Medical care is the major area of the budget where we might expect to see cost savings associated with the Divert Offenders to Treatment program. Based on the trend in spending, savings will have taken the form of slowing the rate of increase that would have occurred in the absence of the program. Because the growth in total and per inmate spending has been rapid, it is impossible to pinpoint impacts from the diversion program. Between 1996 and 2006, medical care expenditures increased from 8.7% of jail spending to 18.4%. Real dollar spending per inmate spending increased by 162% between 1996 and 2006. During this period, the Consumer Price Index for Medical Care increased by 42% and for Medical Services including prescriptions by 45%.[29]

[29] C.P.I for medical care was 228.2 in 1996 and 323.2 in 2005, while C.P.I. for medical care services including prescriptions rose from 232.4 in 1996 to 336.7 in 2005. A C.P.I. value of 336.7 means that prices in 2005 were 336.7% of the 1982 price level, or 236.7% higher than in 1982. Growth in C.P.I between any two years is calculated by taking the difference between the "new" and "old" value, then expressing the difference as a percent of the "old" value.

B. Trends in Spending for Operations and Maintenance, Including Medical Care

Figure 4.4.8

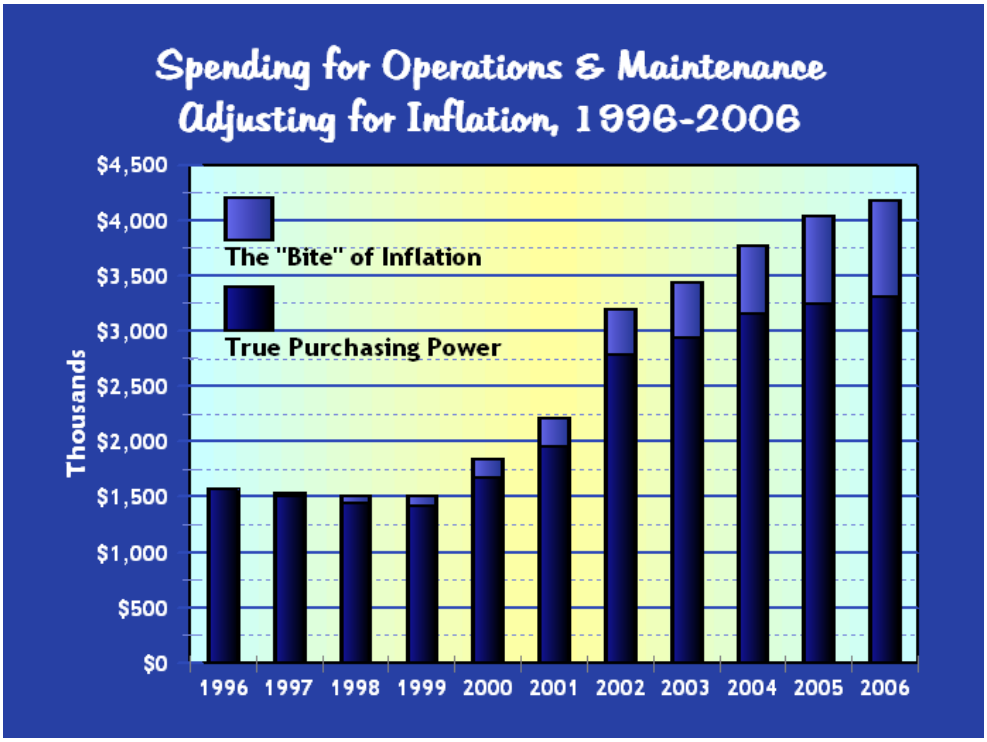
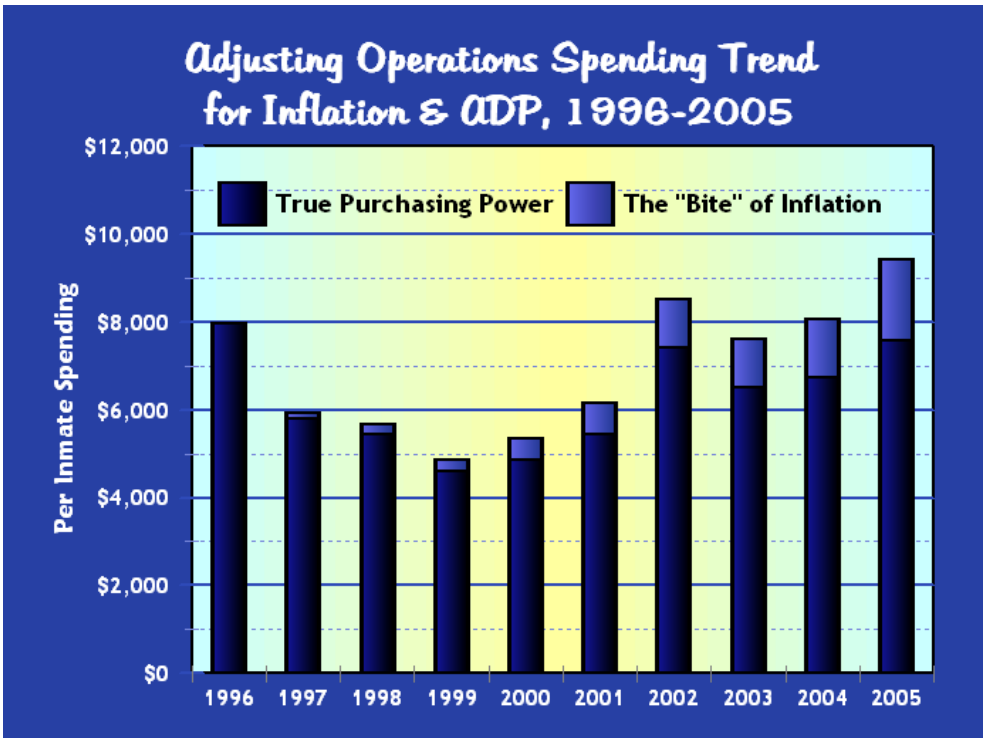


Figure 4.4.9



C. Trends in Spending for Contracted Medical Care Services

Figure 4.4.10

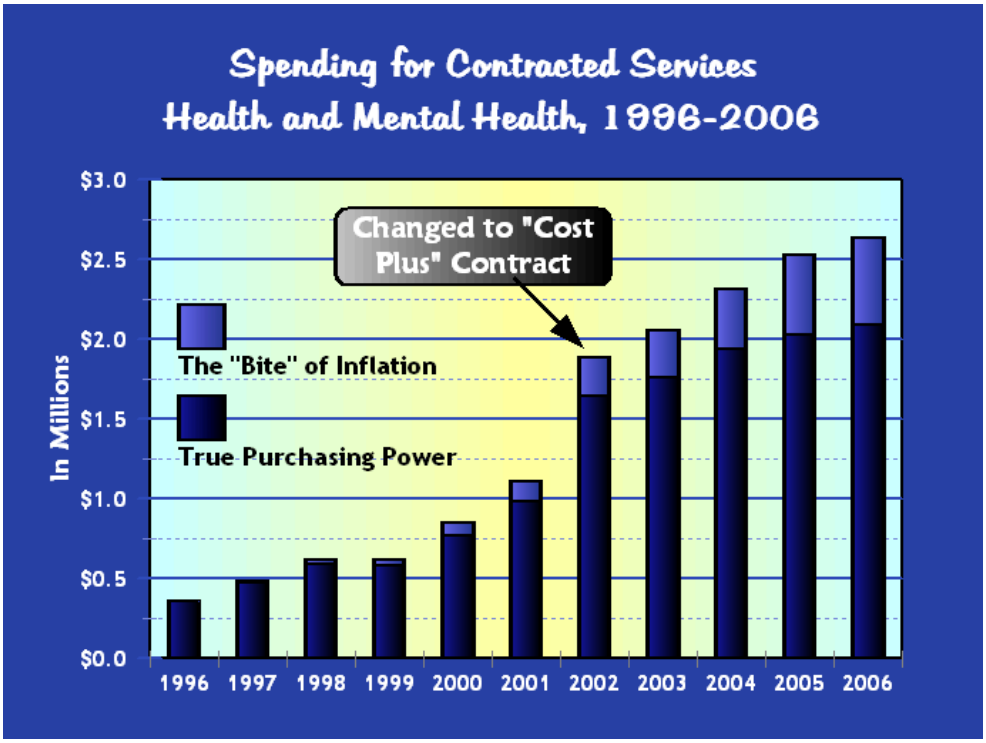
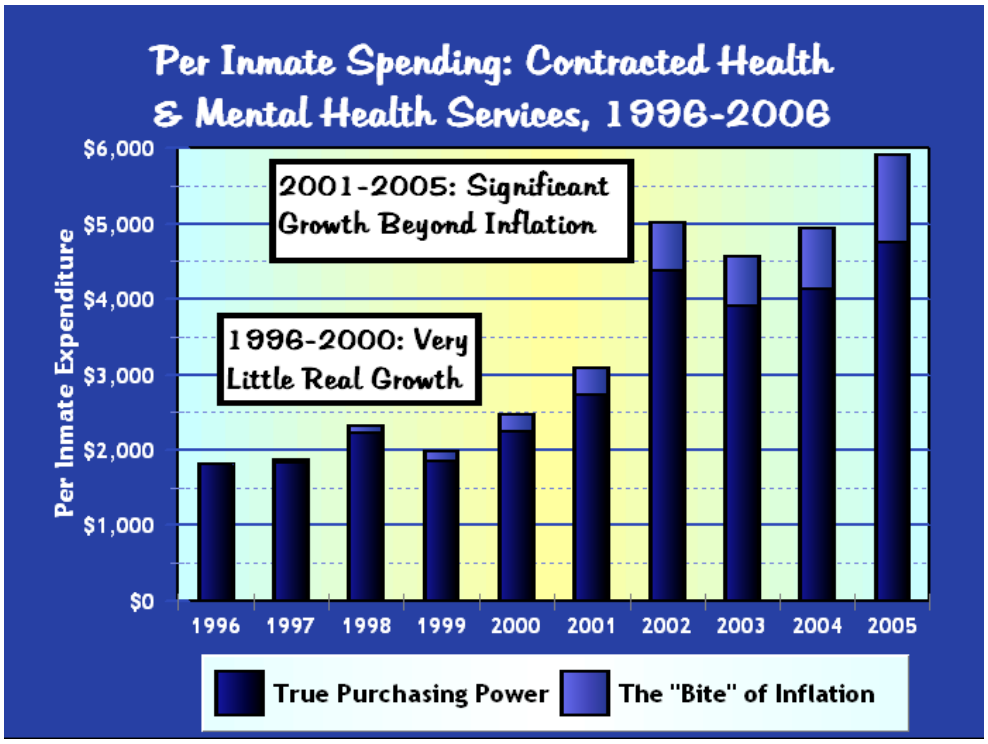


Figure 4.4.11



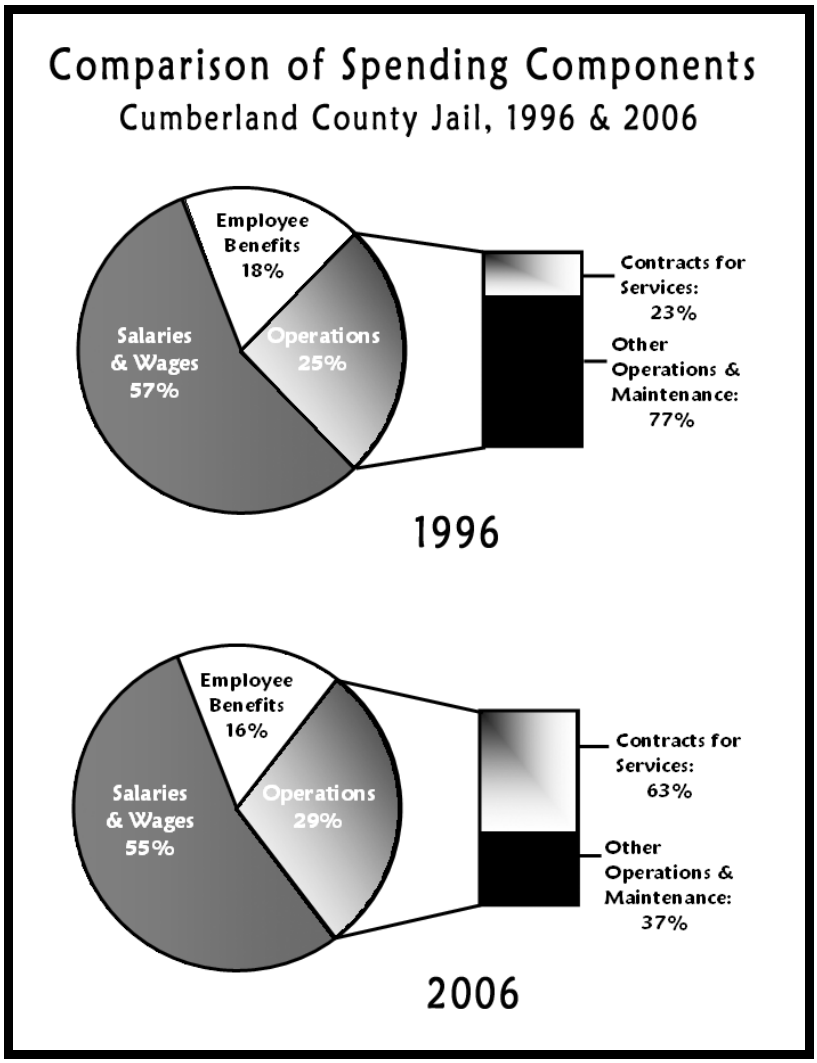
Converting all dollars to 2006 shows that between 1996 and 2006 spending for medical care increased by $1,969,402. This expenditure increment is equivalent to 13.7% of the 2006 jail budget.

In 2004, all counties combined spent $5,215,000 for medical care of inmates, for an average of $3,186 per inmate. Cumberland County spent $2,321,695, for an average of $4,957. Cumberland County's per inmate spending resembles the per inmate expenditure of the state prisons, which was $4,991 in 2004. Further examination of the data shows that the fiscal pressure associated with providing medical care is not shared equally by all Maine jails, but is borne disproportionately by Cumberland County.

- ◆ Cumberland County's spending for medical care services comprised 44.5% of the statewide total for jails in 2004, compared with a 29% share of inmates.
- ◆ If we remove Cumberland County's spending from the total for jails and recompute the per inmate expenditure for the remaining jails, the cost drops to $2,475.
  - ✔ Cumberland County's expenditure for medical is double the per inmate average for other Maine jails.

Figure 4.4.12

Figure 4.4.12 provides a recap of trends by looking at the shares of total budget claimed by salaries and wages, employee benefits, and operations in 1996 and 2006. In addition, the division between medical care contracts and other operations and maintenance spend-ing is provided.



Notice that both salaries and wages and employee benefits have declined as a share of the budget, while operations and maintenance expenditures have increased from 25% to 29% of the total.

Within operations, however, there has been a dramatic shift away from all accounts other than medical care. In 1996, contracts comprised only 23% of operations spending. By 2006, contracts for medical care had increased to 63% of operations and maintenance spending, almost tripling its earlier share.

D. Spending for Operations and Maintenance, *Net of Contracts for Medical Care*

Figure 4.4.13

Figure 4.4.13 shows spending for operations and maintenance net of contracts for medical care. A review of Figure 4.4.13 reveals that while there was some real growth in spending from the later 1990s through 2003, but since 2003 there has been no increase beyond inflation. Because some operations accounts involve variable costs, we would expect to see some increases as the size of the inmate population grows.

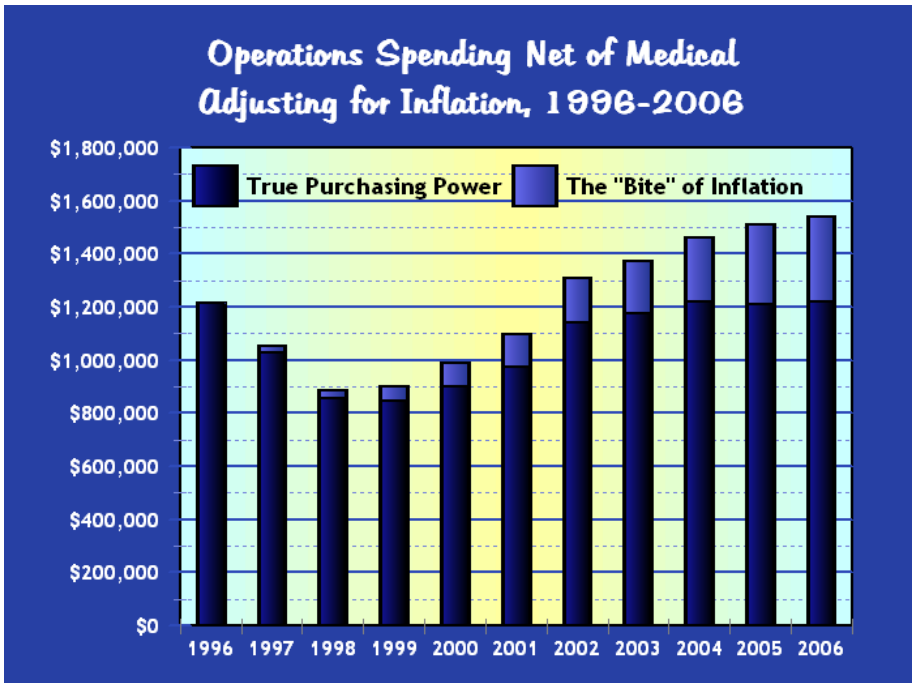


Figure 4.4.14 shows operations spending per inmate. The high per inmate spending level in 1996 reflects in part the small average daily population, with only about one-third of the capacity of the jail utilized, which will produce high unit costs. By 1997 and 1998, the inmate population had grown appreciably. Real per inmate spending for operations dropped significantly through the 1990s and then rose in 2002, only to fall back to its former real dollar level and stabilize in real dollars. This stabilization of spending may reflect crowding out of spending by medical care costs. The reduced per inmate spending also may reflect a continuing ability to tap into efficiencies that accrue from higher utilization of physical and service infrastructure in a facility benefitting from economies of scale. Figure 4.4.15 reinforces this possibility.

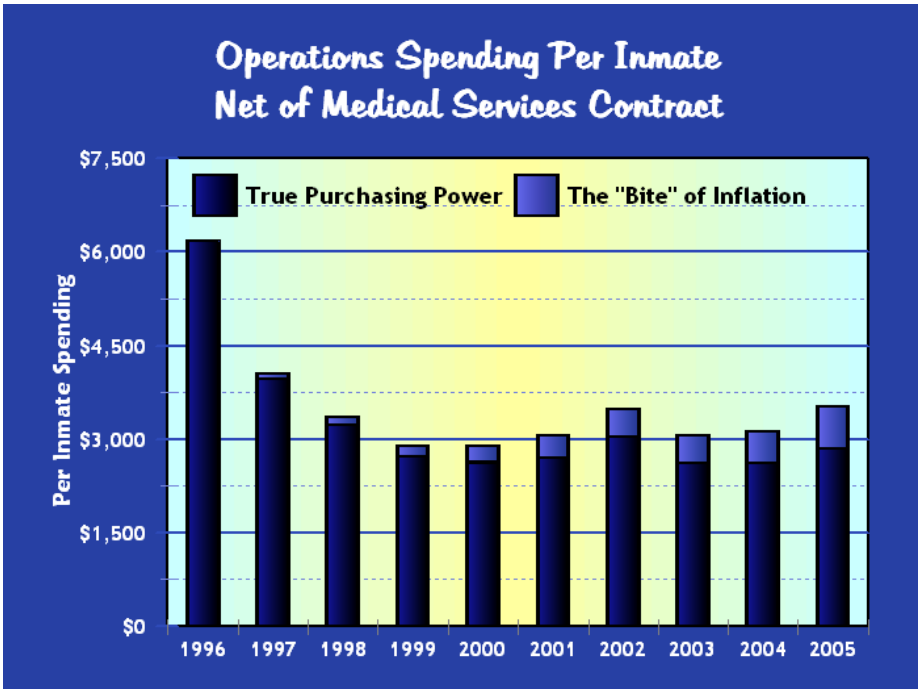


Figure 4.4.14

Figure 4.4.15

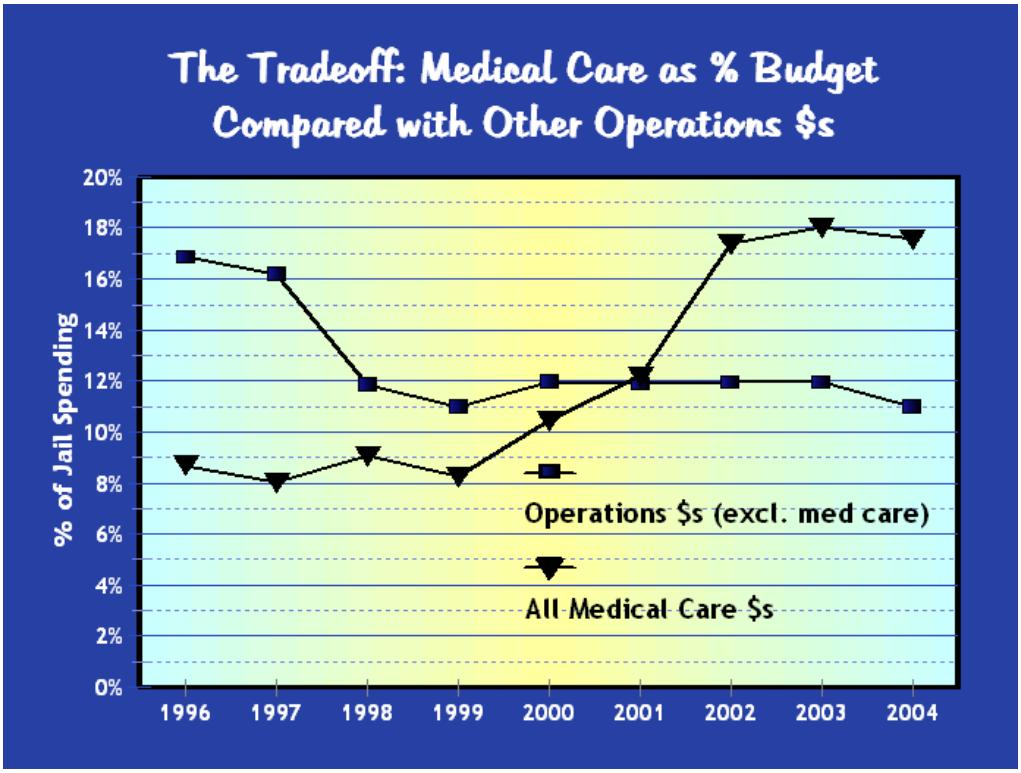


Figure 4.4.15 reveals the tradeoff that has been occurring between spending for medical care and spending for other operations and maintenance areas. In 1996, medical care including contracts and relevant line items comprised 8.7% of the jail budget. This level was fairly consistent through 1999. In 2000, the share of budget claimed rose to 10.5% and in 2001 to 12.2%. The change to a cost-plus contract increased the bite of this expenditure area greatly. In 2002, medical care spending claimed 17.4% of the budget, double the 1996 share. By 2006, medical care had increased to 18.4% of total spending.

E. Spending for Food and Other Non-Medical, Variable Cost Items

On the next page, Figures 4.4.16 traces per inmate spending for food and other non-medical variable cost budget accounts. Included within the broad category are food and groceries, institutional supplies, paper goods, non-food items for the kitchen, and cleaning supplies. In total, spending on a per inmate basis for these items has fluctuated some, but has been relatively consistent since 1999, with a noticeable increase in 2005.

Figure 4.4.17 considers just food and groceries. This chart that there has been a gradual growth in spending since over time. Two pages ahead, Figure 4.4.18 re-expresses the trend in spending for food and groceries on a per inmate basis.

Figure 4.4.16

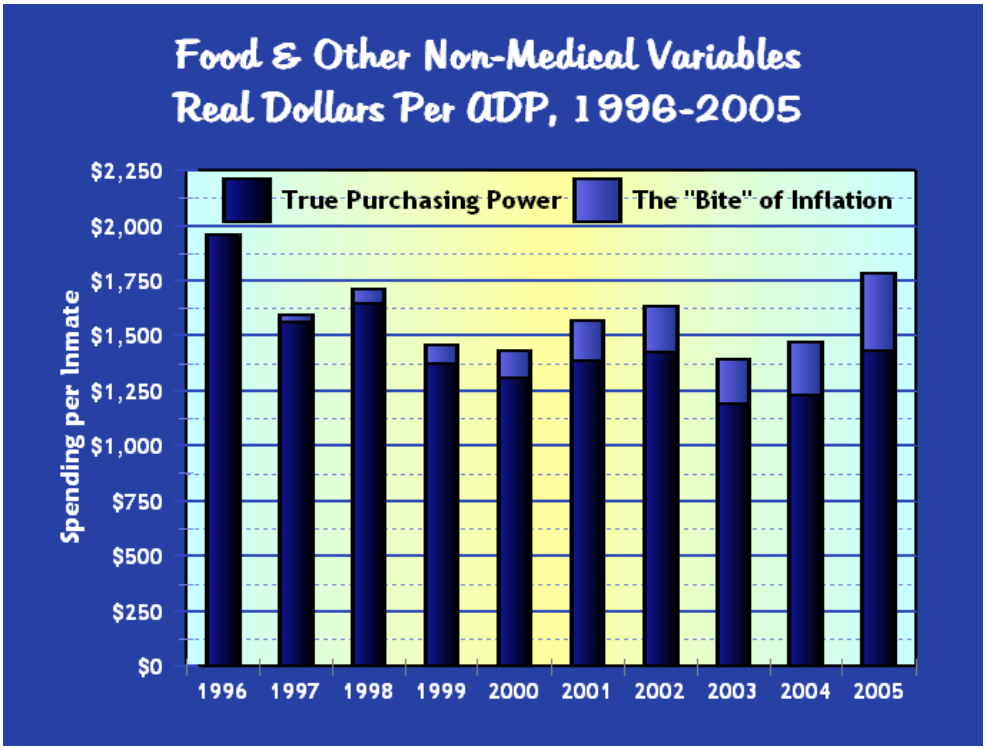


Figure 4.4.17

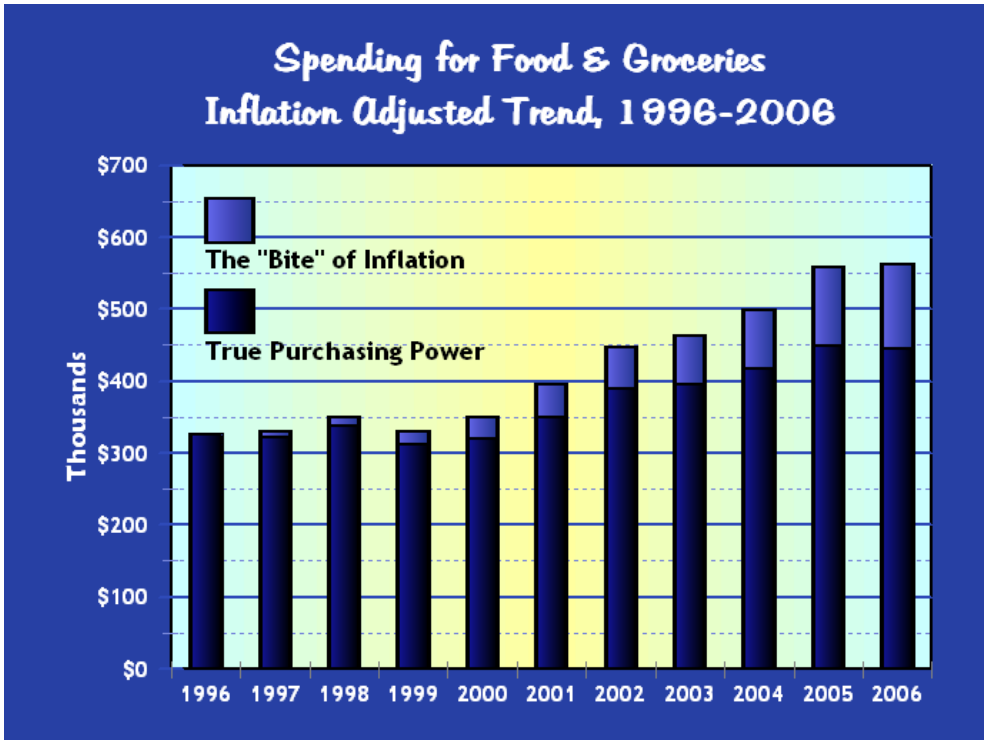
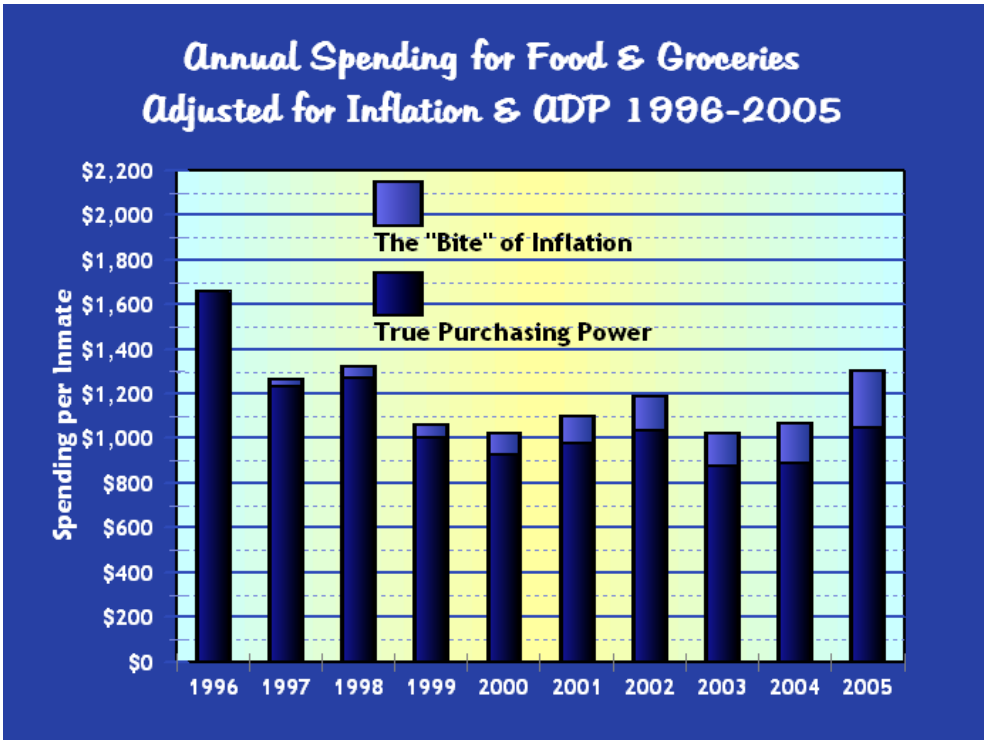


Figure 4.4.18



The chart shows that per inmate spending for food has declined since 1998, reaching a real dollar low point in 2003, and then regaining some lost ground in 2004 and 2005. The 2005 per inmate expenditure for food and groceries was $1,324 in 2006 dollar values, compared with $1,265 in 1999 (also in 2006 dollar values). During the period 1996 through 2005, food prices increased by approximately 25%.

A recent Bureau of Justice Statistics report (Stephan, 2004) shows that per inmate food services expenditures in the northeast during 2001 ranged from a low of $810 in New Jersey to a high of $2,077 in Pennsylvania. Maine was the second highest spender, at $1,835 per inmate. The regional average was $1,217, which is right in line with Cumberland County's 2001 per inmate expenditure of $1,233.

The reduction in spending per inmate that occurred in the late 1990s undoubtedly reflects improved utilization of capacity and accompanying efficiencies that accrue from reduced waste, bulk purchasing, and ability to obtain discounts. The recent ability to maintain control of costs in the face of escalating inmate populations is a noteworthy achievement.

F. Trends in Spending for "*All Other*" Operations & Maintenance

The last section of graphs covers a variety of operations and maintenance budget accounts not included in earlier snapshots of data. The trend in the per inmate expenditure for "all other" is shown in Figure 4.4.19. After a significant drop in spending between 1996 and 1998, per inmate spending for this set of accounts has remained comparatively stable.

Figure 4.4.19

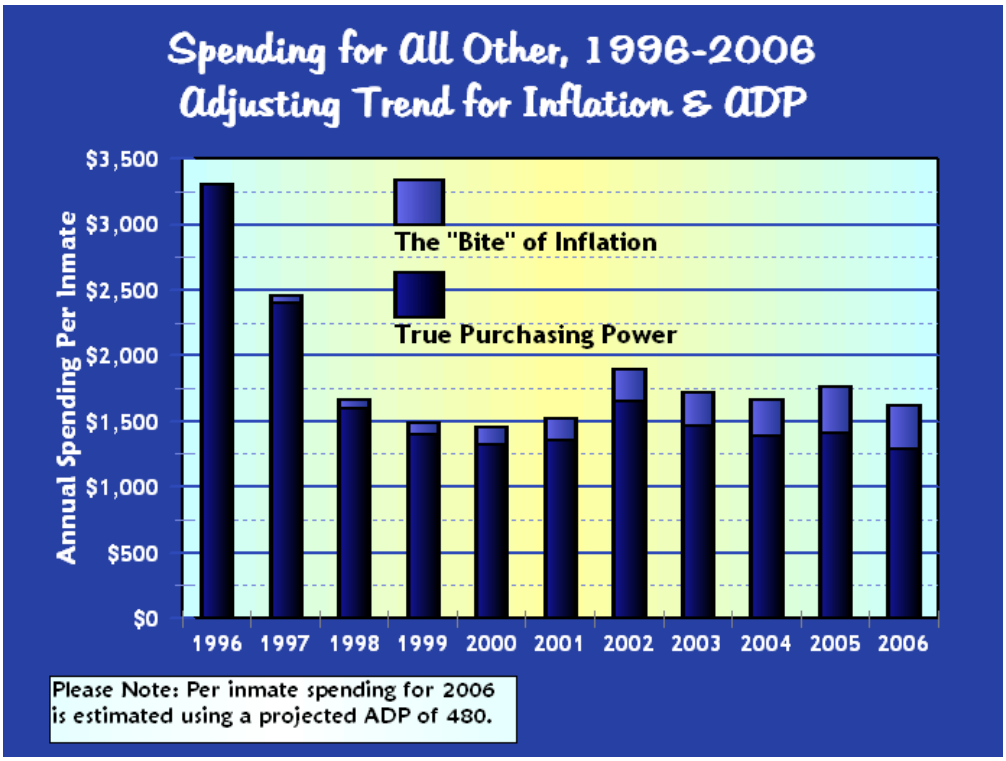
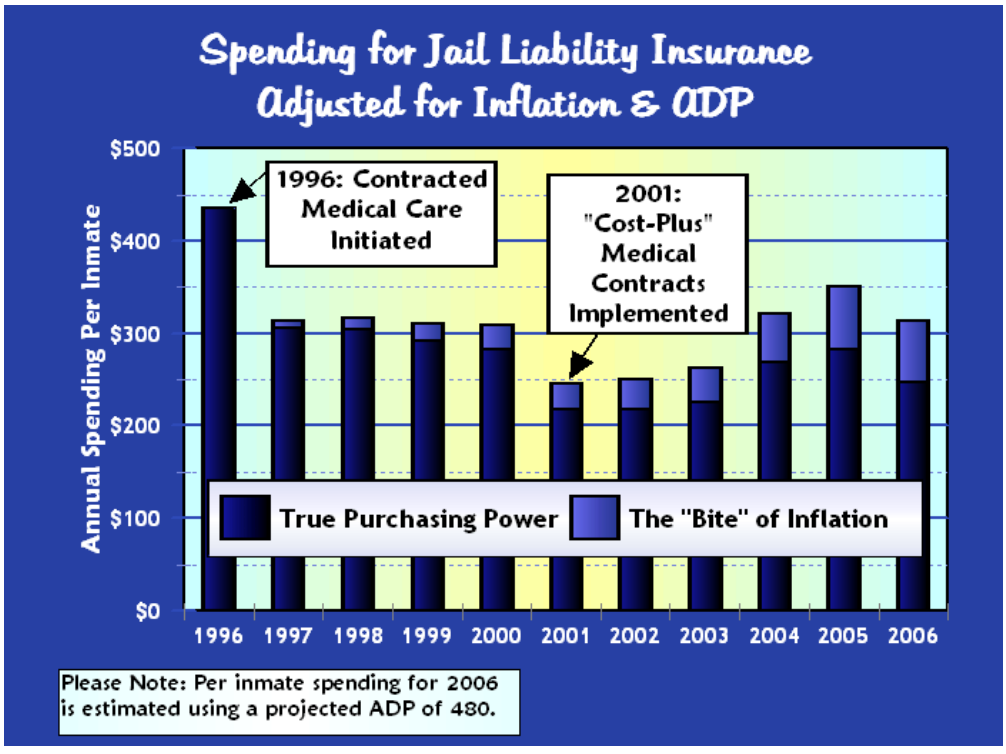


Figure 4.4.20 shows the trend in per inmate spending for liability insurance for the jail. Although liability insurance is only a small part of the jail budget (1% in 2006), the potential costs associated with being under insured are very high.

Figure 4.4.20

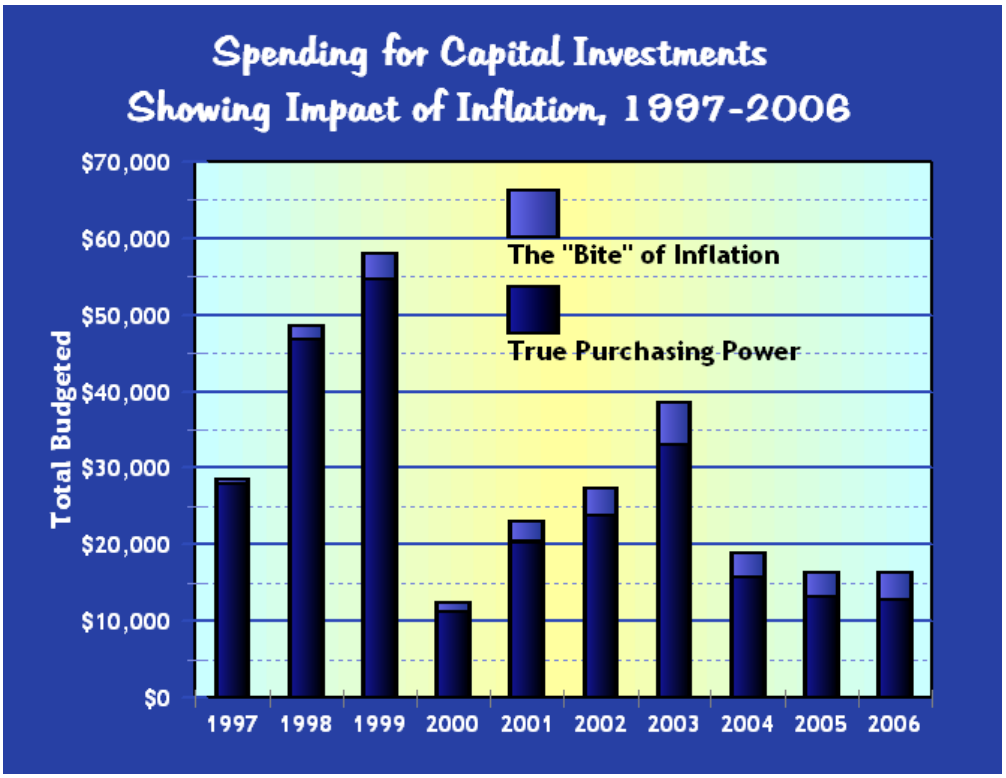


Liability insurance would not be expected to rise and fall directly with changes in jails populations, larger populations increase risks. So looking at this expenditure area on a per inmate basis provides a sense of whether liability coverage is keeping pace with increasing population levels in the jail.

As with most of the data we have reviewed, spending for 1996 appears to be an anomaly, reflecting an unusually low average daily population rather than very high expenditures. After a significant drop in per inmate spending between 1996 and 1997, spending level off but then dropped again between 2000 and 2001. The reduction in per inmate spending reflects a reduction in expenditure, from $106,117 in 2000 to $97,985 in 2001. This spending decrease may reflect efforts to hold the line on total jail spending, in the face of the sharp increase in medical care costs that occurred between 2000 and 2001. Following some slow growth between 2001 and 2003, in 2004 the per inmate expenditure resumed a real dollar expenditure level commensurate with the 1997 through 2000 period. In total dollars, the expenditure for liability insurance increased greatly between 2003 and 2004, from $118,530 to $150,176, where it has remained. Hence, any under funding of this important account appears to have been addressed in recent budgets.

Figure 4.4.21 depicts spending for purchase of equipment, furniture, and other capital items from 1997 through 2006. Because the jail is a newer facility, we would expect to see a lower than average spending level for capital assets and capital reinvestment in the facility. Nonetheless, whether viewed from the perspective of dollars or percent of the total jail budget, which is only 0.1% in 2006, capital investment is very low. Maine jails on average spend 4% of budget per year for capital investments. Reduced capital spending needs have been provided the jail with some needed budget slack, facilitating control of overall budget increases. However, within the next 5 to 10 years, some major systems are likely to need replacement, which will cause this portion of the budget to increase.

Figure 4.4.21



Chapter 5

County Correctional Programs: State Policies & Impacts

5.1 Introduction

Maine state government provides county governments with financial assistance for operating jails and community corrections programs. State aid for county corrections is a comparatively small pot of money that must be shared by sixteen counties. In 2004, actual expenditures from the state's "county jail prisoner support and community corrections fund" totaled $5,306,988, which provided an average of $331,687 per county. Cumberland County, as Maine's largest county, fared better, receiving $934,030.

Over the twenty year history of the Community Corrections Act, significant responsibility for incarcerating sentenced offenders has been transferred from the state to the counties. Initially, persons convicted of Class A, B, and C crimes and sentenced to less than six months were to be committed by Maine courts to serve time in a county jail, rather than in a state prison. In 1989, the law was changed to increase to nine months the sentence length that would be served in a county jail. Today, Maine's county jails are responsible for housing offenders who have been convicted of Class A, B, C, D, or E crimes and are sentenced to incarceration for fewer than 365 days. And of course, the county jails attend to their traditional role of housing pre-trial populations who can not be released immediately, for periods ranging from less than 24 hours to months. In addition, as the analysis in Chapter 3 demonstrates, county jails increasingly have been housing probation violators and have become the "sanction of choice" for persons who violate conditions imposed by Maine's drug courts.

The structure of the community corrections state aid program has changed greatly over the years, in part in response to the state's decisions to force the courts to place more prisoners in county jails. In 1985, Maine Title 34-A, §1210 was enacted to provide support for certain prisoners housed in county correctional facilities. Under the terms of the old law, counties were reimbursed for costs of housing inmates convicted of committing Class A, B, or C crimes. In 1997, the "County Jail Prisoner Support and Community Corrections Fund" was established by Public Law 1997, Title 34-A, §1210-A. This law usually is referred to as the "Community Corrections Act" or "CCA".

Prior to implementation of the 1997 Community Corrections Act, funding for county jails was on a "per diem" basis. The state aid payment to each county was based on the number of sentenced offenders housed for specified crime classes. Title 34-A, §1210-A converted the funding approach from reimbursements to county jails based on the number of days a specific number of prisoners were housed, to subsidies based on the percent distribution of funding paid out to counties in fiscal year 1996-97.

Impact of the 1997 Community Corrections Act on Jail Funding

The new "no strings" block grant approach implemented under Title 34-A, §1210-A produced three policy changes that influence adversely the funding of Maine's county jails, with detrimental effects increasing over time.

1) The change from a per diem reimbursement to a percentage subsidy absolves the state from the responsibility for determining a fair per diem amount. Under the old law, a per diem payment might not reflect fully the costs of operating jails, but there was at least an expectation that the rate would be proportional to actual costs. There no longer is any

connection between the amount of state aid provided and costs of county jails.

2) The change from a per diem reimbursement to a percentage subsidy broke the link between the number of inmates supervised and the payment received. Under the former law, the established per diem payment was made for each inmate incarcerated for specified convictions, for each day the offender was housed. Under the new law, jails populations do not influence state aid payments.

3) The law locked into place indefinitely a percentage share of total funding that was based on a single fiscal year's experience. While providing assurance to counties that the previous year's share would be sustained undoubtedly helped to pass the law, it created a funding distribution system that is isolated completely from actual jail spending.

The seriousness of the issues created by the 1997 Community Corrections Act law may not be self-evident, so let's consider a different but not entirely dissimilar policy area, education finance. Under Maine's system of school finance, the state is required to determine an amount of funding that is adequate to finance "essential programs and services". In October of each year, the state determines the number of pupils attending school in each district by conducting a census. The combination of the number of pupils with the foundation allocation for essential programs and services determines the amount of each district's spending that is subject to subsidy under the state's general purpose aid for education program. (The actual amount paid to each district depends on ability to pay.)

Assume for the sake of gaining perspective on the Community Corrections Act that the school funding approach was changed to a straight subsidy, as has occurred with county jails. The state no longer would be required to figure out how much money is required to deliver essential programs and services, and further, would not even need to know how many pupils are educated in each district. Instead, the state would use a single year's distribution of aid as a snapshot that would decide the shares of education aid in perpetuity. Imagine the public outcry were this new, streamlined method to be implemented!

The changed perspective towards jails embedded within the 1997 Community Corrections Act set the jails adrift, to fend for themselves, fiscally speaking, and freed the state from the responsibility for addressing the cost impacts of rapidly rising inmate populations.[30] Prior law changes that had transferred to the jails significant new responsibility for housing increasingly difficult sentenced populations became bygones; policies of other administrations and legislatures were forgotten. To divert attention away from the implications of the law change and facilitate enactment, the Legislature increased funding for community corrections substantially in 1998, as Figure 5.1.1 shows. In addition, the jails' share of state aid was increased from 70% to 80% of the total. The combination of added funding with a larger share of the funds would have displaced easily concerns that the new law might produce an unfair or inefficient system for providing financial assistance to jails. Unfortunately, as Figure 5.1.1 demonstrates, the funding increase which ushered in the new community corrections act was short lived.

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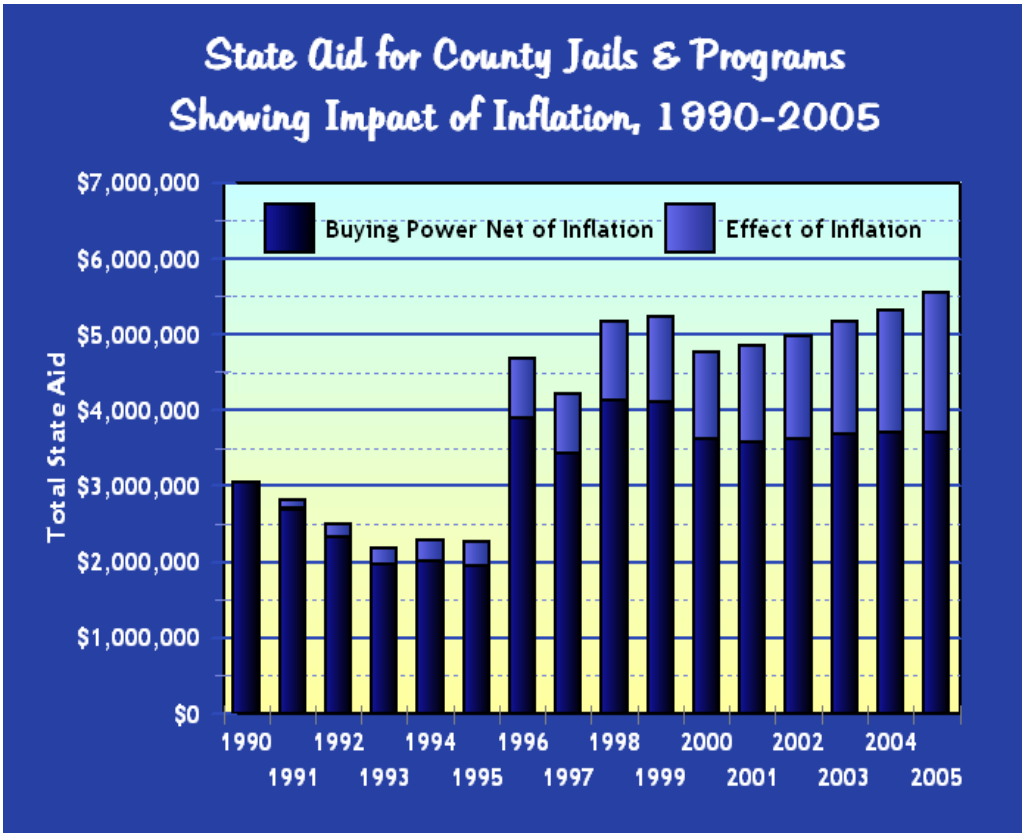
[30] Interestingly, Maine state government's effort to change corrections funding from a reimbursement to a block grant basis paralleled efforts in Washington to gain control over spending for public welfare. In 1997, the U.S. Congress enacted the Budget Reconciliation Act, which converted reimbursement based public welfare aid to states to block grants, with each state's allocation based on a prior year's receipts. This change desensitized the formerly countercyclical public welfare aid and eliminated the automatic stabilization role of federal aid during recessions. The change helped Congress to gain control of the federal budget, to the detriment of states. See the following book and articles by LaPlante for a complete analysis of federal budget balancing maneuvers and impacts on Maine. *(1) The Balanced Budget Debate: What Would a Balanced Budget Amendment Mean for Maine?* Twentieth Century Fund/Century Foundation, New York. 1997. (2) "The Balanced Budget Accord: Should Maine Be Celebrating?" *Maine Business Indicators*. Fall, 1997. (3) "Plundered by Policy? Maine Stands to Suffer When Budget and Tax Changes Take Effect", Invited Commentary, *Maine Sunday Telegram*, pp. C1 and C6, September 21, 1997.

Figure 5.1.1



5.2 A Closer Look at State Aid for Community Corrections

The Community Corrections Act (Title 34-A, §1210-A) defines "community corrections" as the "delivery of correctional services for adults in the least restrictive manner than ensures the public safety". The Community Corrections Act designates 20% of total state aid for programs that meet the definition of community based correctional programming, which include, but are not necessarily limited to, the following: "preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community corrections centers and temporary release

Table 5.2.1: State Funding for County Community Correctional Programming in 2004

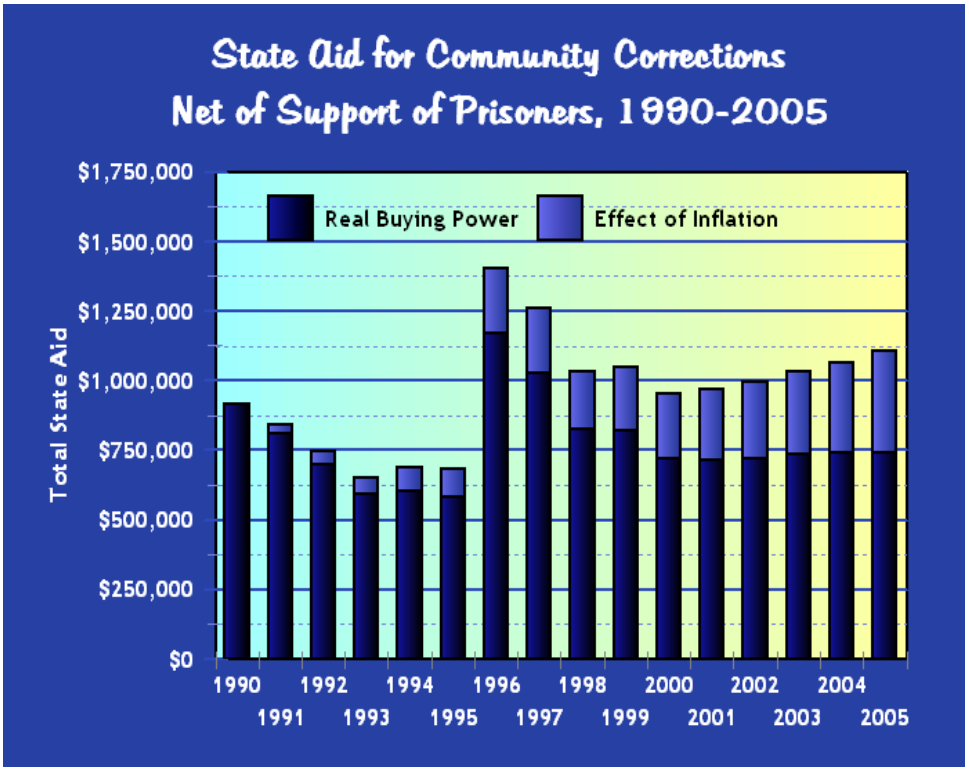
	2004
Statewide Funding for County Corrections	
Total State Aid for County Corrections	$5,319,961
Community Corrections Fund (20% of total)	**$1,063,992**
Average Allocations	
Average Total Funding	$332,498
Average Funding for Community Corrections Programming	**$66,500**
Cumberland County	
Total Funding	$936,313
Community Corrections Programming	$187,263

Source of state aid data: *2005 Maine Compendium of State Finances*. State of Maine Legislature, Office of Fiscal and Program Review. Augusta, ME.

programs".

As shown in Table 5.2.1, the statewide allocation for community correctional program was only $1,063,992 in 2004, which translates to an average per county of only $66,337. The smallest counties receive a level of funding for community corrections programming that truly is insignificant. Piscataquis County receives only 1.3% of the statewide funding; in 2004, total aid for community corrections was only $13,832. Washington County receives a 1.8% share, which amounted to only $19,152 in 2004. The largest share of funding goes to Cumber-land County and totaled $186,806 in 2004. While this would be a significant sum in a small county, in Maine's most populous county the amount is adequate to help ensure the availability of pre-trial services, with little left over for other programming. Figure 5.2.1 shows the trend in state aid for community corrections.

Figure 5.2.1



As you look at the trend in state aid shown in Figure 5.2.1, keep in mind that the average county was provided with only $66,500 for programming in 2004, with many counties receiving far less.

✔ Not only has aid for community corrections programming declined in real dollars since the Community Corrections Act of 1997 was enacted, the purchasing power of the 2005 allocation is less than the real dollar amount provided to counties in 1990.

The amounts displayed in Figure 5.2.1 use 1990 as a base year and show the bite of inflation from that point forward. If we convert all the amounts to 2006 dollar equivalents, we can talk about differences in funding in terms of today's dollar values. Table 5.2.2 provides this information. Between 1990 and 2005, state aid for community correctional programming (net of jails) declined by $261,839 in 2006 dollar values, or 18.9%. By this measure, funding is down appreciably. However, when we compare 2005 funding for community corrections with the funding level just before the implementation of the 1997 Act reduced the share of state aid allocated to community programs, an even greater disparity emerges.

✔ **In 2006 dollars, state aid for community programming declined by more than $650 thousand between 1996 and 2005, a 37% reduction.**

Table 5.2.2: Recap of Trends in State Aid for Community Corrections Programs (Net of Jail Aid) in 2006 Dollar Values		
Time Span	**Indicator**	**Change**
1990 through 2005	**Difference in Aid in 2006 Dollars, 1990 to 2005**	**-$261,839**
	Percent Difference in Aid in 2006 Dollars, 1990 to 2005	**-18.9%**
1996 through 2005	**Difference in Aid in 2006 Dollars, 1996 to 2005**	**($650,372)**
	Percent Difference in Aid in 2006 Dollars, 1996 to 2005	**-36.6%**

With the rise in mental illness and substance abuse disorders among Maine's jail population, state government's retrenchment of this important and historically underfunded program is very troubling.

5.3 A Closer Look at State Aid for Jails

On the next page, Table 5.3.1 shows total state funding provided to Maine counties under the Community Corrections Act in 2004, and considers these figures from the perspectives of the amount allocated for jails, the average county subsidy for jails, and the subsidy for the Cumberland County Jail. In 2004, Maine state government provided $4,245,590 for jail support, to be divided among sixteen counties, for an average $265,349 per county. Cumberland County received $749,051.

With enactment of the Community Corrections Act of 1997, one could have predicted that there would be increasing dichotomies between (1) the share of statewide aid each county received and the number of inmates housed and (2) state aid received and each county's need for state aid, as evidenced by jail spending. So before turning to an examination of trends in state aid, let's consider more closely the shares of total state aid allocated to each county.

Table 5.3.1: State Funding for Jail Support in 2004	
Statewide Funding for County Corrections	
Total State Aid for County Corrections	$5,319,961
County Jail Subsidy (80% of total)	$4,255,969
Average Allocations	
Average Total Funding	$332,498
Average Jail Subsidy	$265,998
Cumberland County	
Total Funding	$936,313
Cumberland County Jail Subsidy	$749,051
Source of state aid data: *2005 Maine Compendium of State Finances*. Maine Legislature, Office of Fiscal and Program Review. Augusta, ME.	

Table 5.3.2 shows 2004 expenditures for jails by county, the percentage share of total funding assigned to each county, state aid paid to each county, and the percent of jail costs covered by aid. Figure 5.3.1 shows the wide range of percentages of jail spending subsidized through state aid.

Table 5.3.2: Comparison of 2004 Jail Expenditures and State Aid Allocations Under the Community Corrections Act

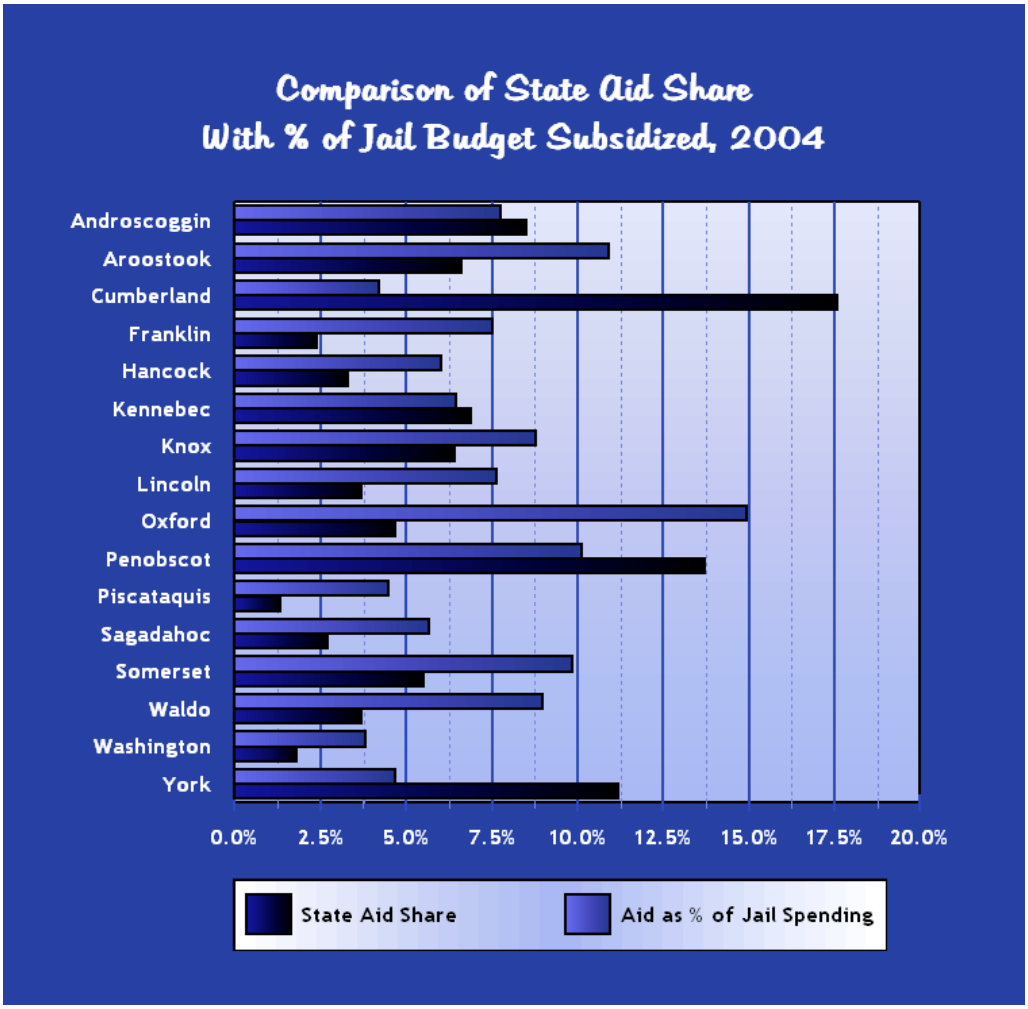
	2004 Jail Expenditure (Including Debt Service)	County % of Statewide Funds	2004 State Aid Allocation for Jails	Percent of County's Jail Expenditure
Androscoggin	$4,668,422	**8.5%**	$361,757	**7.7%**
Aroostook	$2,572,272	**6.6%**	280,894	**10.9%**
Cumberland	$17,735,514	**17.6%**	749,051	**4.2%**
Franklin	$1,359,526	**2.4%**	102,143	**7.5%**
Hancock	$2,334,216	**3.3%**	140,447	**6.0%**
Kennebec	$4,556,733	**6.9%**	293,662	**6.4%**
Knox	$3,106,114	**6.4%**	272,382	**8.8%**
Lincoln	$2,061,618	**3.7%**	157,471	**7.6%**
Oxford	$1,340,082	**4.7%**	200,031	**14.9%**
Penobscot	$5,768,354	**13.7%**	583,068	**10.1%**
Piscataquis	$1,233,684	**1.3%**	55,328	**4.5%**
Sagadahoc	$2,023,734	**2.7%**	114,911	**5.7%**
Somerset	$2,374,770	**5.5%**	234,078	**9.9%**
Waldo	$1,756,204	**3.7%**	157,471	**9.0%**
Washington	$2,005,851	**1.8%**	76,607	**3.8%**
York	$10,179,533	**11.2%**	476,669	**4.7%**
Statewide	**$65,076,627**	**100.0%**	**$4,255,969**	**6.5%**

A review of Table 5.3.2 and Figure 5.3.1 reveals some noteworthy mismatches between the shares of community corrections funding allocated to each county and the percentage of jail spending subsidized. Many counties are able to cover significantly more of their jail budgets than others. Cumberland County received more aid in both dollar and percent terms than all other counties, but the subsidy supported only 4.2% of jail spending in 2004, *the second lowest in the state*.[31] Washington County saw the lowest percentage of jail spending covered, at only 3.8%. In contrast, 14.9 % of Oxford County's spending was covered by state aid, which is more than triple the subsidy rate achieved in Washington and Cumberland counties. State aid to nine of the sixteen counties covers a higher percentage of their jail budgets than the statewide average of 6.5%, which reflects the downward pull on the average of the unusually small portions of budget covered in Washington, Cumberland, and York counties. While these three counties are particularly disadvantaged, statewide aid levels have failed to keep pace with rising costs caused in part by state policies.

An argument might be made that low rates of subsidy reflect inefficiencies or over-spending that are not the state's responsibility. The analysis of funding trends that follow lay that argument to rest. In addition, the statistical analysis of Cumberland County's spending included in Chapter 4 provides important evidence that the Cumberland County Jail is under, not over funded.

[31] Were we to examine the subsidy relative to the Cumberland County Jail budget net of revenues from boarders, the state subsidy's coverage would be greater but still low.

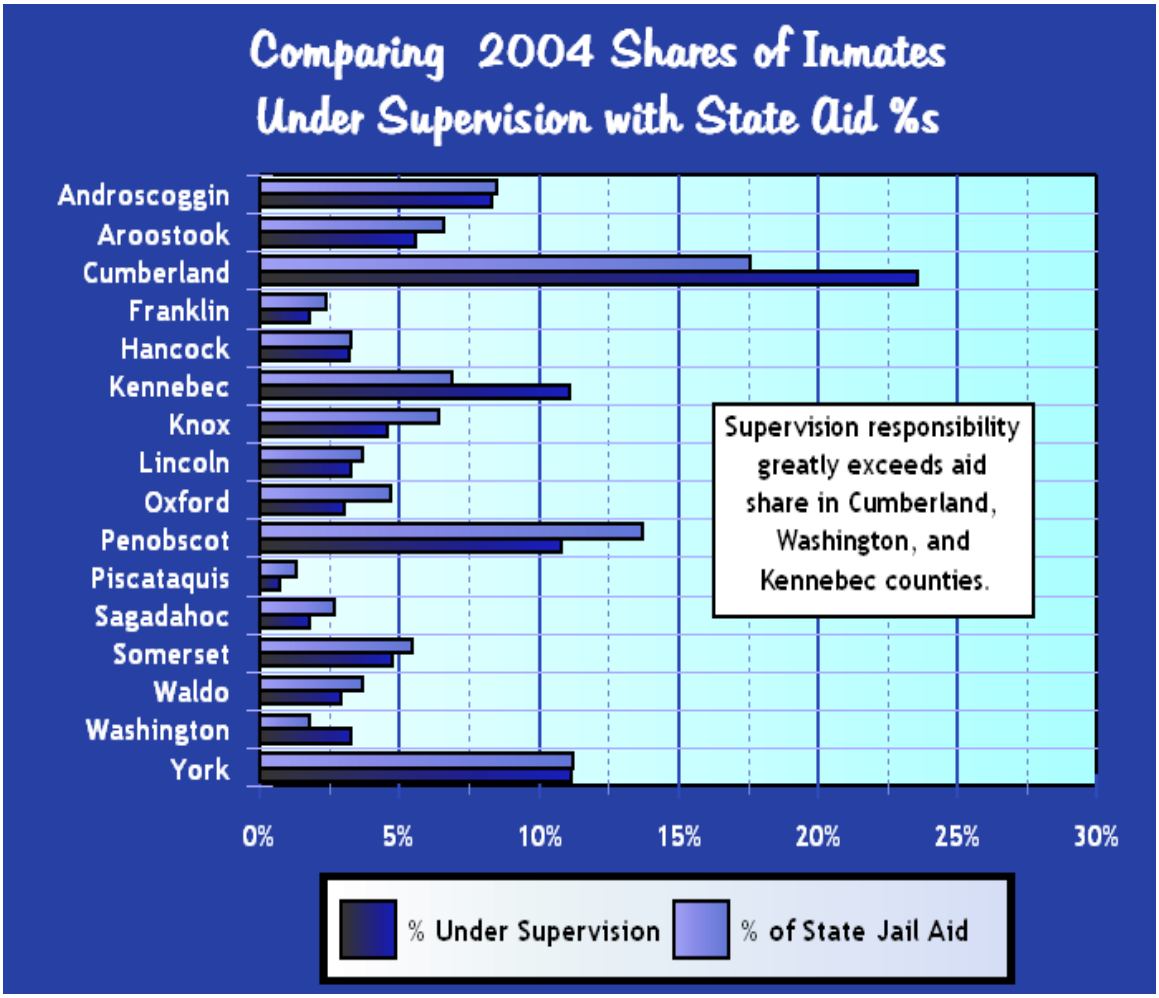
Figure 5.3.1



We also may consider the share of state aid allocated to each county relative to the share of inmates each county supervises. Figure 5.3.2 shows this comparison. As noted on the chart, supervision responsibility greatly exceeds the aid share in Cumberland County, which receives 17.6% of total state aid but supervises more than 23% of inmates. Although this figure would be reduced somewhat if boarders were excluded, the gap between funding and inmate shares would remain substantial.

Kennebec and Washington counties also show a serious mismatch between aid and inmate shares, with notably higher percentages of inmates under supervision relative to their shares of state aid. York and Hancock counties supervise approximately the same percentages of inmates as their shares of state aid. In contrast, Aroostook, Franklin, Knox, Oxford, Piscataquis, Sagadahoc, Somerset, Waldo, and especially Penobscot counties are receiving a higher share of aid than the percentages of inmates supervised.

Figure 5.3.2

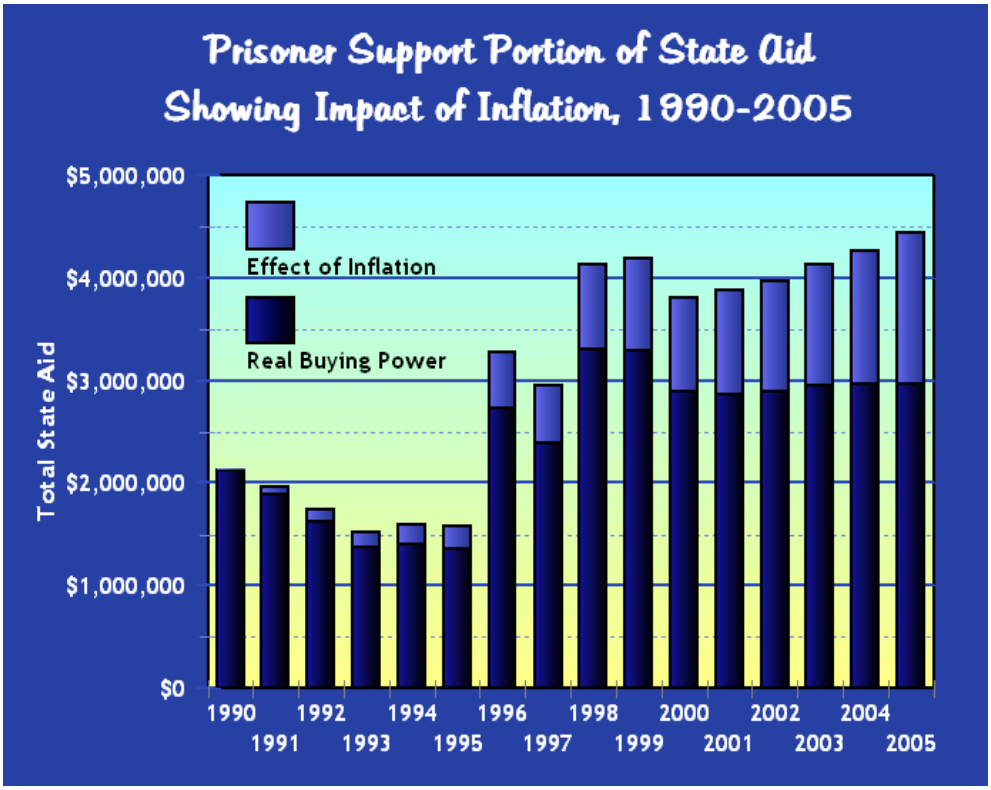


We learned in the previous chapter that jail spending is tied very closely with jail capacity and somewhat less so with the average daily population of the jail. A comparison of Figures 5.3.1 and 5.3.2 reveals that some counties that receive a larger share of state funding than their respective inmate supervision responsibilities nonetheless are seeing very small percentages of their total jail budgets subsidized.

✔ The dichotomies that exist between the percentage of state aid paid to each county, the percentage of jail spending aid subsidizes, and the share of statewide inmates supervised by each county provide evidence that the frozen allocation shares used to allocate state funding for jails is flawed seriously, producing a distribution that is neither efficient nor equitable.

Figure 5.3.3 shows the trend in state aid for support of prisoners held in county jails between 1990 and 2005. The "bite" of inflation is shown so that the real buying power of state aid paid in different years may be compared.

Figure 5.3.3



Examination of the trends displayed in Figure 5.3.3 reveals that funding for jail support was increased greatly in 1998, even when inflation adjusted dollars are considered.

- The increase in funding for jails in 1998 was accomplished through a combination of an increase in the dollars allocated for aid with the impact of the policy change that shifted funds away from community correctional programming towards financing of jails.

The higher aid level of 1998 was sustained through 1999, although the new dollars added were just barely adequate to keep pace with inflation. In 2000, the subsidy dropped, despite the fact that state government was enjoying excellent revenue yields (especially in individual income taxes due to capital gains from stocks). In 2001, in the face of the crash of the dot-com stocks and recession, aid was increased very slightly, as it has been each year since then. Unfortunately, the increases have permitted only a negligible gain in purchasing power between 2000 and 2005.

✔ The one time upswing in state aid that accompanied the shift in funds from community corrections programming to aid for jails created an illusion of a heightened state commitment to financing county jails.

✔ During the period 1998 through 2005, jail aid decreased in 2006 dollar terms by $520,511, or 10.4%. Meanwhile, jail populations statewide increased by 51%.

✔ Measured in 2006 dollars, aid per inmate was equal to $5,060 in 1998. By 2005, per inmate assistance had dropped by 40.5%, to only $3,011 in today's dollars, a per inmate gap of $2,049..

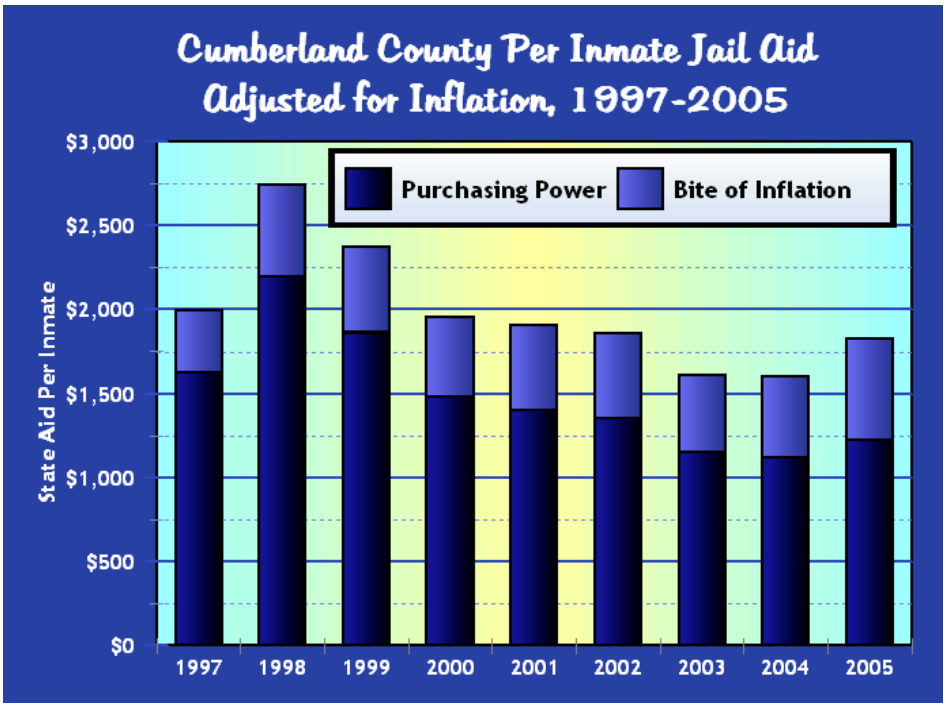
◆ Had the per inmate funding level of 1998 been maintained, an additional $2,971,050 would have been available for distribution to county jails in 2004 and an additional $3,061,206 in

2005.[32]

The $3.1 million increment to state aid for jails is the *minimum* increase required to place the current jail subsidy on an equal footing with the per inmate funding level established at the time of enactment of the 1997 Community Corrections Act. Had this increment been added to the state aid fund for jails in 2005, Cumberland County would have received an additional $538,772 (measured in 2006 dollar values).

Figure 5.3.4 shows the annual allocation of state aid for jails to Cumberland County, adjusted for both inflation and the average daily in-house jail population.

Figure 5.3.4



The trend as shown in Figure 5.3.4 is distorted somewhat by the presence of boarders within the jail population. Because the county receives boarding fees for these inmates, they would not also be supported by state aid. Instead, the aid would be paid to the "sending" County. Nonetheless, we know that Cumber-land County's jail population has increased greatly since the implementation of the 1997 Community Corrections Act, so the County will have seen a greater impact on the adequacy of its funding share than the state as a whole. The graph illustrates effectively the impact of a rising inmate population on a fixed share of state aid.

State Aid to Jails Provided Under the "Surcharge Fund"

In addition to funding from the Community Corrections Fund, counties receive a smaller amount of state assistance for jails from a surcharge fund established by Public Law 1987, 4 MRSA §1057. Figure 5.3.5 shows the inflation adjusted trends in funding. If you review the trend in the darker portion of the bars, you will notice that there has been some annual variation in the real dollar amount of funds available

[32] These figures are based on a 2004 ADP of 1450 and a 2005 ADP of 1494, with each multiplied by the 2006 dollar funding gap to arrive at a 2006 dollar increase needed to sustain the 1998 per inmate funding level.

for distribution to the counties, but for the most part the 1990 funding level was sustained through 2003. In 2004, an important increase in funds is visible, with the total reaching $603,925. However, as the graph shows clearly, in 2005 the amount of aid available dropped sharply. Based on the explanation provided in the 2005 Maine Compendium of State Finances, "*technology conversion difficulties*" at the Traffic Violations Bureau prevented an accounting of the revenues due to counties. In the absence of good information, the state could have estimated a fair share, based on maintaining the 2004 payment level or using an average of the previous two to three years. The state easily could have allocated aid based on either the previous year's level or an average over several years. The decision to penalize the counties is indefensible and provides evidence of insensitivity to local fiscal demands and property tax problems.

Figure 5.3.5

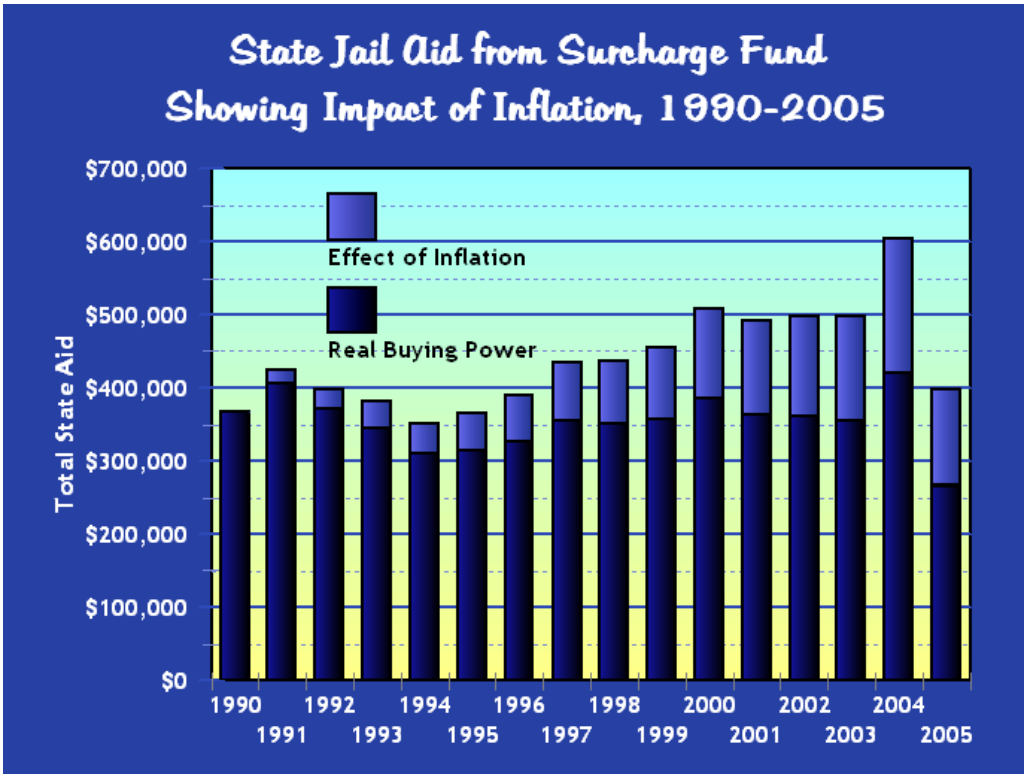
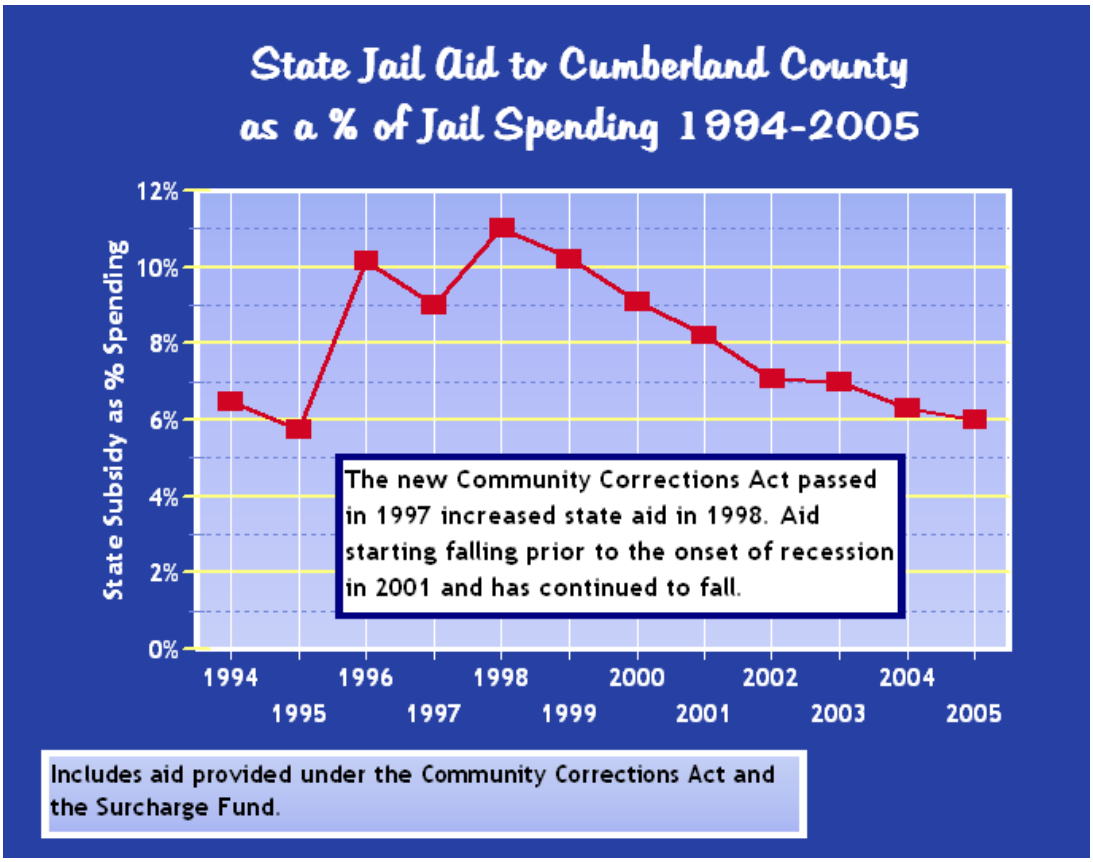


Figure 5.3.6 shows state aid from the community corrections fund combined with aid from the surcharge fund as a percentage of the Cumberland County Jail's spending.

Figure 5.3.6



Notice the significant impact of the increased aid and the higher share of total aid that accompanied efforts in 1996-1997 to enact and implement the 1997 Community Corrections Act. Unfortunately, as we have seen throughout this section, the new, higher state aid level was not sustained. Because the distribution of financial aid for support for prisoners is established in statute, Cumberland County's share of total funding has remained the same since 1997. In the face of a growing inmate population, the allocation will have become increasingly less able to offset the rising costs of the jail.

✔ Figure 5.3.6 portrays vividly the multiple impacts of a fixed share of total state funding for jails, a subsidy method that ignores the number of inmates under supervision, and the state's failure to increase funding for jails at a rate commensurate with growth in its own spending for incarceration facilities.

5.4 Trends in State Aid for County Justice Programs: Comparing Community Corrections and Prosecution Assistance

Maine state government provides significant financial assistance to counties to support the personnel costs associated with prosecution. On the next page, Table 5.4.1 provides historical data for state funding for community corrections (including assistance from the Surcharge Fund) and prosecutors' salaries.

Table 5.4.1: Trends in State Aid for County-Based Criminal Justice Programs, 1990-2005

Fiscal Year	Funding by Program Prior to Adjusting for Inflation		Funding by Program After Converting Dollars to 2006 Values	
	Total for Jails and Community Based Corrections Programs [1]	Support for District Attorneys' Salaries	Total for Community Based Corrections Re-Expressed in 2006 $s	Support for District Attorneys' Salaries Re-Expressed in 2006 $s
1990	$3,413,892	$2,333,087	$5,179,608	$3,539,795
1991	$3,233,801	$2,289,285	$4,708,243	$3,333,077
1992	$2,890,525	$2,741,416	$4,085,468	$3,874,718
1993	$2,556,390	$2,582,502	$3,508,181	$3,544,015
1994	$2,633,856	$2,722,932	$3,524,249	$3,643,438
1995	$2,630,689	$3,022,401	$3,423,003	$3,932,691
1996	$5,072,633	$3,355,083	$6,411,110	$4,240,363
1997	$4,642,141	$3,633,698	$5,735,430	$4,489,485
1998	$5,595,159	$3,773,639	$6,806,871	$4,590,875
1999	$5,692,388	$4,586,041	$6,775,513	$5,458,655
2000	$5,267,739	$4,788,844	$6,066,159	$5,514,679
2001	$5,339,076	$5,534,506	$5,978,197	$6,197,022
2002	$5,465,378	$6,172,258	$6,024,372	$6,803,551
2003	$5,659,875	$6,490,652	$6,123,040	$7,021,802
2004	$5,923,886	$6,492,507	$6,261,763	$6,862,815
2005	$5,937,013	$7,064,424	$6,028,211	$7,172,940
Change	$2,523,121	$4,731,337	$848,603	$3,633,145
Percent Change	73.9%	202.8%	16.4%	102.6%

Source: Computed from the *2005 Maine Compendium of State Finances*, Exhibit G, Criminal Justice Funding. State of Maine Legislature, Office of Fiscal and Program Review. Augusta, ME.

In 2005, over $7 million was allocated statewide for support of prosecution, compared with a 1990 allocation of $2,333,087. Before adjusting for inflation, this represents an increase of 203%.In contrast, community correctional programs and jails was just over $3 million in 1990 and grew to $5.9 million by 2005, an unadjusted increase of 74%.

- ✔ Between 1990 and 2005, state aid for community based corrections and jail assistance increased by 16.4% in real, inflation adjusted dollars. In sharp contrast, during the identical time span real, inflation adjusted aid for prosecutor's salaries more than doubled.

On the next page, Figures 5.4.1 and 5.4.2 compare the trends in corrections and prosecution aid.

Figure 5.4.1

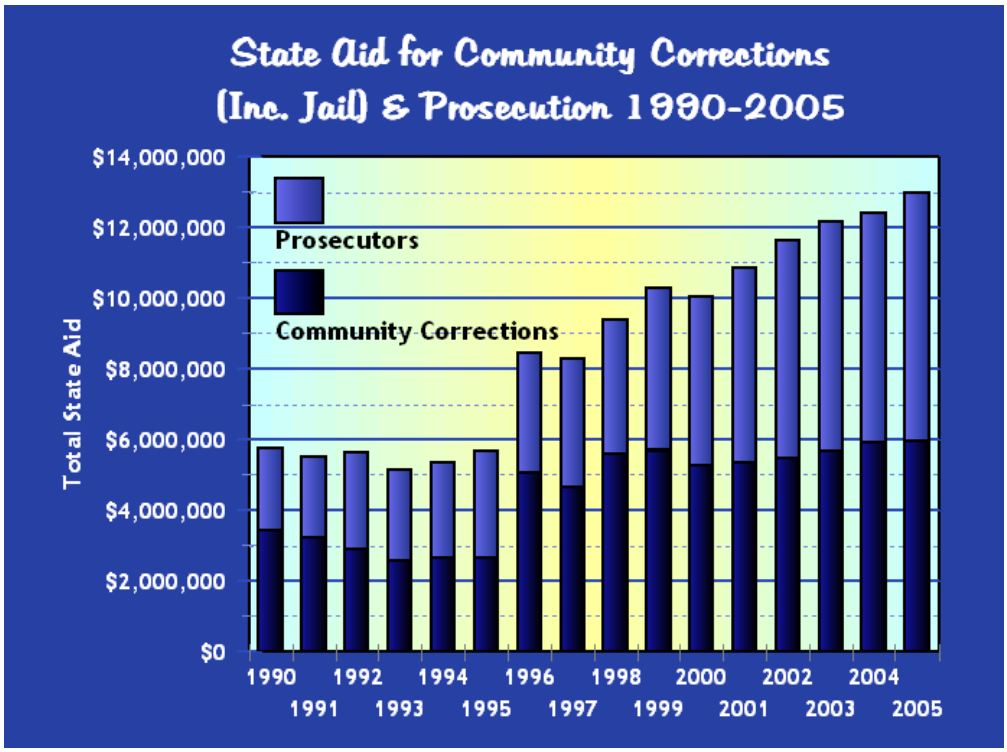
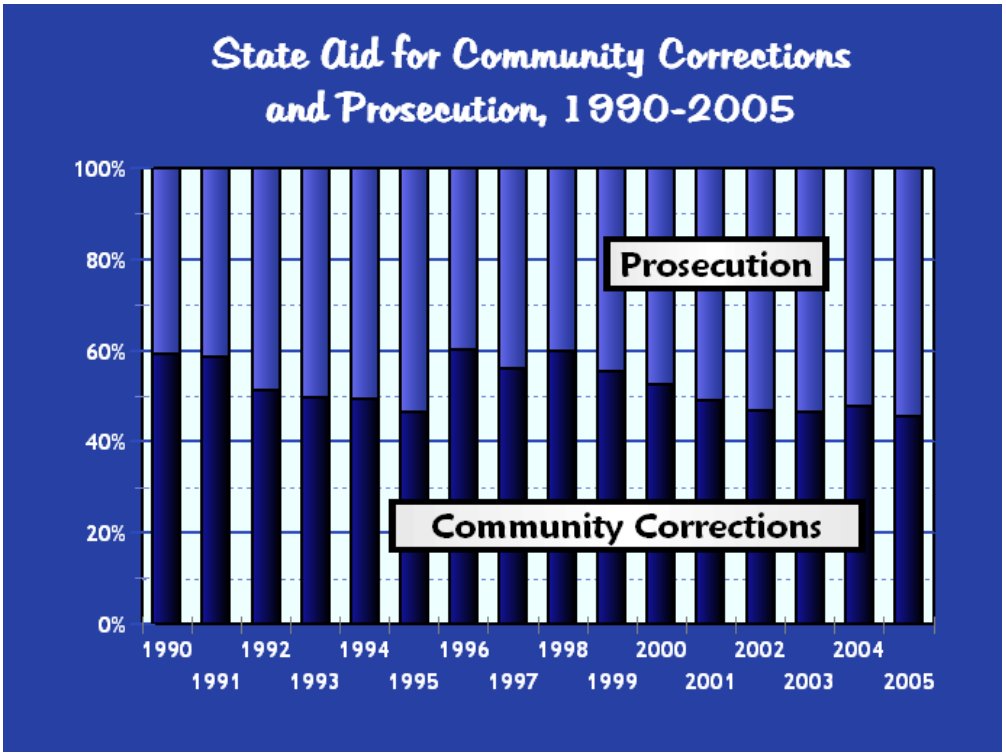
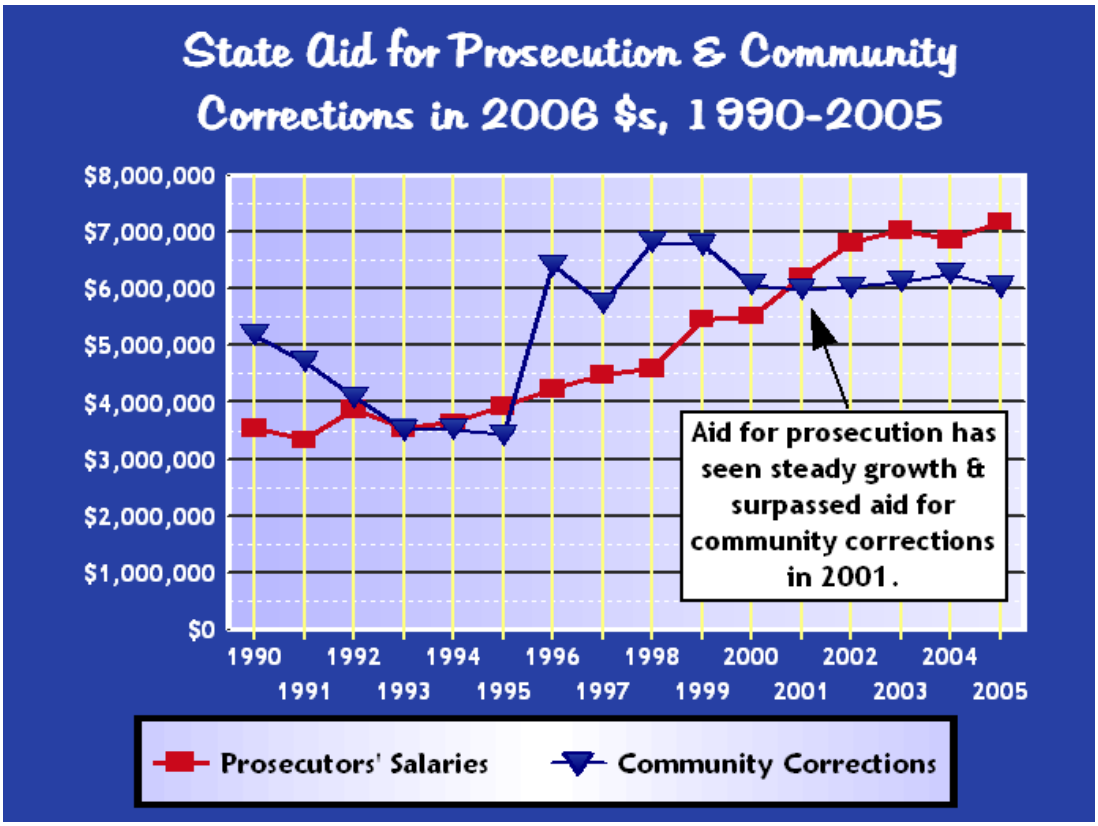


Figure 5.4.2



The dollar values shown in Figures 5.4.1 and 5.4.2 are not adjusted for inflation. Figure 5.4.3 tracks visually the real, 2006 dollar trends in aid for both programs.

Figure 5.4.3



As Figure 5.4.3 underscores, the real dollar value of state aid for county corrections dropped steadily through the early 1990s, while aid for prosecution increased slowly. In 1996, a large increment in state aid for community corrections thrust this account well above state assistance for prosecution, which saw slow but steady growth. In the late 1990s aid for both corrections and prosecution leveled off, but then in 1999 state aid for corrections dropped significantly while aid for prosecution maintained its level. Between 2000 and 2001, state aid for prosecution increased sharply while aid for corrections remained flat. In 2001, state financial assistance for prosecution surpassed aid for corrections.

✔ Although there were some changes to the rate at which aid for prosecutors' salaries increased, the upward trend has been comparatively stable. In contrast, the trend in state aid for county corrections programs has been quite sporadic.

One would expect funding for prosecution and community correctional programming to maintain a balance over time, since they are so integrally related. Figure 5.4.3 makes apparent the recent increasing disparity in aid, with continuing real growth in aid for prosecution versus flat funding for community corrections.

✔ By 2005, there had occurred a complete reversal of the respective positions of state aid for the two programs, with state aid for county corrections the loser.

When dollars from various years have been re-expressed in today's values (as they have in Table 5.4.1), we can compute differences in dollars at the beginning and end of a series, and then compare the differences directly, in 2006 dollars. Looking at the 2006 dollar values in the right hand side of Table 5.4.1, we see that in 1990, state aid for prosecution totaled $3.5 million and aid for county corrections

totaled $5.2 million, both in 2006 dollar values. In 1990, county corrections received $1.7 million more in state aid than did prosecution. By 2005, state aid for prosecution had reached $7.2 million (in 2006 dollar values), while corrections aid of $6.0 million lagged $1.2 million behind prosecution, compared with being $1.7 million ahead in 1990.

- ◆ If increases in state aid for county corrections had kept pace with financial assistance with prosecution, county corrections would be receiving $1.7 more than prosecution in 2006, for total aid of $8.9 million.[33]
  - ➜ The gap between funding that would be equivalent to the trend in aid for prosecution and actual aid for corrections is $2.9 million.
  - ✔ Had state aid for county corrections kept pace with increases in aid for prosecution, Cumberland County would be receiving an additional $510,400 in 2006.

It is noteworthy that the estimate of a funding gap derived by applying the growth rate in aid for prosecution to county corrections aid is almost identical to the earlier estimated under funding of jails ($3.1 million), which was developed using an inflation adjusted per inmate allocation and multiplying the amount by the current number of jail inmates. Because the amount of aid allocated for community corrections programming is so small, even a comparatively large percentage increase would not increase the total greatly. So the discrepancy between funding for prosecution and county corrections will have been felt largely by the jails.

5.5 Looking Ahead: State Support for Corrections' Programs

In January 2004, the Commission to Improve Sentencing, Supervision, Management and Incarceration of Prisoners presented their final report to the 121st Legislature. Discussions leading up to the Report and its contents identify a need to invest more resources in community correctional programming. While the January 2004 Report of the Commission to Improve Sentencing may have arrived too late to be incorporated fully into program budgets, the Maine Commissioner of Corrections was a member of the Committee and aware of identified needs. So one might have expected the 2007 state budget to reflect some realignment of spending, away from state incarceration facilities and towards community-based corrections. A review of the budget the Governor submitted to the Legislature provides a gauge of this administration's commitment to financing community corrections. Table 5.5.1 shows the 2004 actual expenditure and the Governor's corrections budget requests for 2007 by program area. The table has been organized into the following program components: state level adult incarceration, state adult community corrections (probation and parole), state juvenile incarceration, state juvenile community corrections programming, and state aid to counties for community correctional programming and support of prisoners.

- ✔ Unfortunately, even a cursory review of Table 5.5.1 able leads to disappointment, since there is no evidence that county corrections aid is being given greater priority. In fact, there is significant evidence that funding of the state's adult and juvenile prisons has become even more important.

[33] This amount is computed by adding the 7.2 million allocated to prosecution and the $1.7 million that would have maintained the 1990 balance in the two aid programs.

Table 5.5.1: Projecting Future State Aid for Community Corrections : Governor 's Corrections Budget Requests for 2007 Compared with 2004 Actual Spending

Budget Program Area	2004 Actual	Governor's 2007 Budget Request	Trend Based on Governor's 2004-2007 Budget Request	
			Change	Percent Change
Adult Incarceration				
State Prison	$31,243,255	$37,818,161	$6,574,906	21.0%
Correctional Center (Windham)	$17,188,153	$20,579,869	$3,391,716	19.7%
Charleston Correctional Center	$2,458,277	$2,889,448	$431,171	17.5%
Downeast Correctional Center	$4,876,992	$5,917,401	$1,040,409	21.3%
Central Maine Pre-Release Center	$1,328,258	$1,618,765	$290,507	21.9%
Medical Services for Incarcerated Adults[1]	$10,134,062	$12,757,908	$2,623,846	25.9%
Adult Incarceration Total	**$67,228,997**	**$81,581,552**	**$14,352,555**	**21.3%**
Adult Community Corrections				
Probation & Parole	**$7,615,099**	**$9,263,495**	**$1,648,396**	**21.6%**
Juvenile Incarceration				
Mountain View Youth Development Center	$11,857,577	$14,588,674	$2,731,097	23.0%
Long Creek Youth Development Center	$14,077,369	$16,761,546	$2,684,177	19.1%
Medical Services for Incarcerated Juveniles[1]	$3,560,616	$4,482,508	$921,892	25.9%
Youth Incarceration Total	**$29,495,562**	**$35,832,728**	**$6,337,166**	**21.5%**
Juvenile Community Corrections				
State Juvenile Community Corrections	**$9,546,640**	**$10,873,632**	**$1,326,992**	**13.9%**
State Aid to Counties for Community Correctional Programs & Prisoner Support				
County Community Corrections Fund (20% of total for community corrections)	$1,061,398	$1,162,909	$101,511	**9.6 %**
County Jail Prisoner Support (80% of total for Community Corrections)	$4,245,590	$4,651,635	**$406,045**	
Total State Aid	**$5,306,988** [3]	**$5,814,544**	**$507,556**	

[1] Total budget request has been pro-rated between adults and juveniles based on 2004 shares of total.
[2] Totals exclude employee benefits and debt service. This data is maintained separately and is not broken out by department in either the state budget or financial statements.
[3] The "actual expenditure" figures used here for 2004 are taken from the Governor's budget; they differ slightly from published historical figures contained in the Compendium of State Finances, which were used in earlier sections of this chapter.
Source: Computed from the Governor's Budget submission.

budget request for 2007 adds $507,556 to the 2004 actual allocation, bringing the 2007 total aid for county corrections in at $5.8 million, an increase of 9.6% over three years. This growth rate is unlikely to offset the impact of inflation.

✔ The added funding for county correctional programming and jails explains only 2% of the

growth in major state corrections programs, compared with a 2004 funding share of 4.5%.

The Governor's request would target $406,045 of the increased funding towards county jails, for an average increase of $25,378 for each of Maine's 16 counties. Cumberland County's share exceeds the statewide average significantly, but is low nonetheless at only $71,464 over a three year period. Given the loss of purchasing power identified in the previous section, very slow or no real growth in state aid will exacerbate stress on county budgets already stretched thin by rising inmate populations and high medical care expenses.

The inadequacy of the increment to state aid and the inattention to spending needs facing county jails become very apparent when one notices the increases budgeted for adult incarceration spending by the Maine Department of Corrections. The Governor's requested budgets for the State Prison, the Correctional Center, Downeast Correctional Center, and Central Maine Pre-Trial Release sought increases of more than 21%, while increased funding of 20% and 18% were requested for the Correctional Center in Windham and Charleston Correctional Center. Medical services, which is budgeted separately in the state budget but would be included in the budgets of county jails, was budgeted with a 25.9% increase. *Looking at these increases, how could the Department of Corrections and the Governor think county jails would require only 9.6% more funding*? It is quite apparent that pursuit of funding for state incarceration facilities has been crowding out reasonable and necessary increases in aid to jails, despite the transfer of responsibility for a fair share of sentenced offenders from state to county facilities.

The state's determination of required increases in spending for adult facilities provides an unequivocal gauge of spending pressures facing jails.

- ✔ Once the purchasing power of state aid dollars for jails has been restored, it would be reasonable to use the percentage growth in state spending for incarceration facilities as a benchmark for needed annual increments to state aid for jails.

State's Continuing Overemphasis on Incarceration

In Chapter 4, we considered budget growth from various perspectives. The tables on the next page apply some of those same tools to the Department of Corrections' budget. Table 5.5.2 compares shares of state spending for corrections, broken out by incarceration of juveniles and adults (in both prisons and jails) versus funds allocated for community correctional programming. Table 5.5.3 takes another cut at the same data, considering the Governor's budget from the perspective of new dollars allocated to incarceration versus community based services, and the percentages of budget growth attributable to each. The Governor's 2007 budget request increases spending for state prisons by $20.7 million, as Table 5.5.3 underscores. The increment for juvenile incarceration also is substantial and reflects the on-going impact of adding a new, 140 bed juvenile facility to the state's roster of prisons.

- ✔ When combined with the increase for county jails, new spending for incarceration of adults and juveniles totals $21.1 million and explains 87.3% of the growth in the Department of Corrections' major budget components.
- ✔ Funding for support of prisoners in county jails comprises only 2% of the Governor's budgeted increase for incarceration of adults.

Meanwhile, budgeted funding for all community corrections *programs—state community corrections plus support for county correctional programming*—increased by only $3.1 million.

Table 5.5.2: Comparing Shares of State Spending for Corrections, 2004 Actual & Governor's 2007 Budget Proposal, by Program Area

	2004		2007	
Program Area	**Actual Expenditure**	**% of Total**	**Governor's Proposal**	**% of Total**
Incarceration of Adults and Juveniles				
Adult Incarceration (State Facilities)	$67,228,997	56.4%	$81,581,552	56.9%
Juvenile Incarceration	29,495,562	24.7%	35,832,728	25.0%
State Aid for County Jails	4,245,590	3.6%	4,651,635	3.2%
Community Corrections Programming				
State Juvenile Community Corrections	$9,546,640	8.0%	$10,873,632	7.6%
Probation and Parole	7,615,099	6.4%	9,263,495	6.5%
State Aid to Counties for Community Correctional Programming (not including jails)	$1,061,398	0.9%	$1,162,909	0.8%
Total				
Total	**$119,193,286**	**100%**	**$143,365,951**	**100%**

Table 5.5.3: Considering the Governor's 2007 Budget Proposal From the Perspective of New Dollars Allocated to Incarceration and Community Programming

State Level Incarceration of Adults & Juveniles	
Increase in Spending for State Level Incarceration	**$20,689,721**
Increase in State Aid to Support County Jails	**406,045**
Total Increase in Support for Incarceration	**$21,095,766**
Percent of Total Spending Increase	**87.3%**
Community Corrections Programming	
Increase in Support for State Community Corrections Programs	**$2,975,388**
Increase in Support for County Community Corrections Programs	**$ 101,511**
Total Increase in Spending for Community Corrections Programs	**$3,076,899**
Percent of Total Spending Increase	**12.7%**
Total Increase in State Expenditure	
Total Increase in State Expenditure	**$24,172,665**

✔ The added dollars directed towards housing incarcerated juveniles and adults in state facilities outnumber new funds for community programs by a ratio of nearly seven to one.

✔ Only 3.3% of the new community corrections funds requested by the Governor are earmarked for local programs.

✔ The Governor's budget sought to increase funds for county community programming by a mere $101,511 over the 2004 actual spending level, *for an average increase over Maine's sixteen counties of only $6,344 over three years*.

Cumberland County would receive 17.6% of the total increase, for growth in aid of only $17,866 between 2004 and 2007.

The bias towards facilities and away from prevention and diversion becomes even more evident if we examine spending requests within the Department of Corrections. While the Governor requested an additional $1.3 million for juvenile community programs, his requested increase for juvenile incarceration facilities topped $5.5 million.

✔ The requested increase for juvenile incarceration is four times the requested increase for juvenile community programs.

The disproportionate claim of facilities is even more pronounced for adults. Over the three year period 2004-2007, adult community corrections (probation and parole) is growing by $1.6 million. In reviewing trends in probation caseloads, the Commission to Improve Sentencing determined that steps needed to be taken to reduce probation caseloads. For some reason, hiring more probation officers did not make to the table, or at least did not remain for long.

✔ Changes to Maine law recommended by the Commission and enacted by the Legislature will shift more responsibility for sentenced offenders to the jails.

Maine has 33,215 square miles, an area that approximates the size of all the other New England states combined. Aroostook County is about the same size as Connecticut and Rhode Island. Yet Maine has only 76 adult probation officers, which means each is responsible for 437 square miles. The annual cost of supervising one probationer is about $700, compared with roughly $39,000 to incarcerate one person in the state prison system.

✔ The Governor requested an increase for state prisons that is nine times the increase asked for adult community corrections.

Chapter 6
Issues, Options, and Opportunities

The frameworks for thinking about public policy investments and the data displays and analysis presented in this report should provide Cumberland County officials with plenty of fuel for discussion, from which you are sure to identify not only issues, but also options and opportunities. In this section, I will review a opportunities that have occurred to me. I also will reiterate some issues raised in the report and raise a few other concerns about relate state policies and practices that affect Cumberland County profoundly.

6.1 Issues Related to State Policies and Practices

From the outset of my work, I knew that Maine's corrections system is facing complex challenges. What I did not expect to find was what I can only characterize as state government's callous disregard for the fiscal plight of counties, and just as disturbingly, policies and practices that place people at risk and diminish Maine's human capital.

As Chapter 5 makes very clear, the state has been blatant in its efforts to balance its own budget on the backs of the counties. The state has repeatedly shifted responsibility to the jails, through formal law changes that are redirecting many offenders from the prison system to the jails, through practices that utilize the jails too frequently and without due deliberation for sanctioning probationers and drug court participants, by neglecting to invest adequately in community treatment for persons with severe mental illness, by failing to respond assertively to the identified high level of substance problems among Maine's teens and younger adults.

In the face of repeated direct and indirect cost shifts, the state has refused to maintain funding to help pay for the costs imposed on counties and has dismissed the possibility of increasing its fiscal role. The situation regarding funding for community programming is even worse than for jails, if that is possible. Many people who have been participating in commissions and committees looking at corrections in Maine believe that the state has no resources. The Report of the Commission to Improve Sentencing, Supervision, Management and Incarceration of Prisoners states: "There is no extra money to spend on new programs or services. Because of these irreconcilable challenges, the Commission determined to present only the no-cost, low-cost or most essential recommendations in legislation" (pp. x and 34). The review of budget data presented in Chapter 5 does not support the view that the state is broke. While crying poverty to every commission and committee that has tried to look at corrections, the state has pumped millions upon millions of dollars into state facilities for the incarceration of adults and children. Were debt service for several newer facilities (the State Prison, the Long Creek Youth Development Center, and the Mountain View Youth Development Center) included, the new dollars being directed to institutions would be even higher.

Maine's Drug Courts

Fluellen and Trone (2000) note that "researchers have failed to factor in practices that erode savings" including using jails as sanctions. Drug courts in Maine are adding significant expense to the criminal justice system, through the costs of running the courts, and through the overuse of jails, which are used to hold offenders who are sanctioned to jail for increasingly lengthy periods and to provide them with treatment. It is unclear where prospective drug court participants are held pending admission to drug court, but it is likely that at least some are left sitting in jail. In addition, there are other kinds of costs

being incurred as a consequence of the practices and policies of the drug courts. Don Anspach's and Faye Taxman's evaluations of Maine's drug courts raise some very serious issues about anti-therapeutic actions that should be of concern to the Cumberland County Jail, the Southern Maine Co-Occurring Disorders Collaborative, and Maine's people.

Faye Taxman conducted an extensive analysis therapeutic aspects of Maine's drug courts. The largest portion of Taxman's sample was from the Cumberland County Drug Court, with 41% of the people enrolled in that drug court agreeing to participate in her study. Taxman found that statewide one-third of the drug court participants have co-occurring mental illness and substance abuse disorders. Anspach and Philips have conducted several evaluations of Maine drug courts. In their 2004 analysis, they report that the use of jail as a sanction has increased greatly since 2002, with a mean sanction of 10 days, but with the length of sanction increasing in severity by 14 days from the first positive drug test to the fourth. Taxman found the overall rate of jail sanctions to be about 68%, with an even higher rate of 73% to 88% for participants who are sanctioned for failing drug tests. She found that stepped up treatment and other treatment related strategies are used only 15% of *the time—for people we know have serious substance abuse disorders*. Taxman also determined that 41% of drug court participants are unemployed. How can people be expected to stay substance free and avoid crime when they have no job? Those who start out with a job may see it disappear as they spend increasingly longer periods in jail, being sanctioned frequently for positive drug tests, *the very problem for which they are seeking help from the drug court*.

Another disturbing finding emerged from Anspach's and Phillip's 2004 study. "The length of time between referral and final admission [to the drug court program] has increased in the past year from 71 days in 2002 to 78 days in 2003" (p. ii). In very sharp contrast, Fluellen and Trone (2000) report that ten years after the initiation of drug courts, speedy case processing is considered to be a hallmark of the alternative to traditional processing. They explain that more than half the courts that work under a model of deferred prosecution receive offenders less than one week after arrest. The National Drug Court Professional Standards Committee explains that "arrest sparks a brief crisis during which the offender is interested in addressing his or her problems and is more receptive to solutions such as treatment" (Fluellen and Trone, 2000). At the very least, corrections interventions should do no harm. The data presented in evaluations of Maine's drug courts suggest that intolerance and punitive sanctioning are doing harm. Drug court participants are lured into pleading guilty with the promise of treatment and diversion. The graduation rate from drug courts in Maine is only 50%. Anspach and Phillips found that participants who are sanctioned with jail time are "more than 7 times less likely to graduate than those who did not receive a jail sanction" (p. ii).

The costs to society of the drug courts' inability to intervene successfully with half its participants and the possibility that punitive sanctions are turning the tide towards failure for many participants creates societal costs in the forms of reduced human capital, reduced lifetime earnings and taxes paid, increased health care expenditures, and additional crime and victimization.

Conflicts of Interest in Prison & Jail Planning and Construction

An issue that emerged that provides a caveat for counties is the matter of the very close relationship sustained between Portland-based SMRT Architects and Engineers, the Maine Department of Corrections, and many county jails. The web site of SMRT Architects and Engineers shows that they have advising the Maine Department of Corrections on corrections and capital improvements planning for at least several years, and crafted a $170 million "reconfiguration" of the state prison system. SMRT has built every new jail in Maine, including the Cumberland County Jail.

The building of the jails and prisons is not at issue; SMRT is a private firm that builds incarceration

facilities. What is at issue is the conflict of interest inherent in involving a private firm that builds prisons in governments' deliberations about need for facilities an options for avoiding the construction of facilities. The firm has been instrumental in convincing officials in Lincoln, Sagadahoc, and Somerset counties to build new jails to a scale that exceeds greatly the counties' own needs, and has helped prepare materials such as the *Somerset Jail Sourcebook* to convince taxpayers to approve bond issues for big jails. Each of the two bond issues are for amounts that will impose on county taxpayers significant fiscal pressure, unless the counties are able to secure very large numbers of boarders.

If not in outright violation of conflict of interest laws, failing to maintain an arm's length involvement with a private firm is at least a breach of public trust. Voters have a right to expect their elected officials to gather unbiased information that can help them decide whether a new prison or jail is needed, and if so, how large it should be. They do not expect materials that have been written with the help of a firm that has a major stake in the outcome of deliberations.

- ✔ The public's trust is an invaluable benefit that should never be treated casually. Maine's state and local governments need to maintain the highest standards of accountability to the public by avoiding conflicts of interest.

6.2 Cumberland County's Spending for Medical Care

The disparity in spending between the Cumberland County Jail and other Maine jails is not entirely unexpected. First, as Maine's largest and well staffed jail, it is likely that Cumberland County is doing a better job of identifying and responding to medical needs, especially in the mental health area. The large number of suicides that have plagued other Maine jails and the state prison in recent years suggest that either mental health issues are not be identified adequately, services may be lacking, or both. Second, it is likely that the Cumberland County Jail serves a more medically needy population than other jails in the state. Cumberland County is home to Maine's largest city, Portland. Many studies have demonstrated that people who are homeless, suffer from brain or substance abuse disorders, or require social services are represented disproportionately within the populations of states' larger cities. As the largest city in northern New England and the Canadian Maritimes, Portland can be expected to attract and serve an unusually large high needs population. Third, there are more opportunities for petty crimes like shoplifting and disorderly conduct in Cumberland County, due to the presence of the Maine Mall, Portland's "Old Port" area, and the Lakes Region. Shops, hotels, and restaurants attract tourists, so the potential number of arrests swells beyond the resident population. South Portland, Brunswick, Freeport, and the Lakes Region see a high level of tourism and retail traffic, both of which are likely to bring people with brain disorders into contact with police, generally for minor offenses but sometimes for more serious crimes. The analysis of arrest data for Cumberland County compared with statewide data supports the perspective that Cumberland County faces circumstances that if not unique at least are exacerbated compared with most other Maine counties.

A larger issue pertains to the prevalence of untreated mental illness and substance abuse in Maine, which SAMSHA ranks among the highest in the U.S. for persons between the ages of 18 and 25. State prison expenditures for mental health services and the proportion of persons being treated for mental illness also rank among the highest in the U.S.[34] The Cumberland County Jail and Maine state prisons are bearing the brunt of the state's failure to address these issues adequately. Meaningful reduction in the numbers of persons with mental illness and substance abuse disorders who cycle through the Cumberland County Jail will need to be tackled first and foremost from outside the jail, by the state's Department of Human Services and through community prevention and diversion programming.

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[34] U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 2003* Online, Table 6.72, 530 and Table 6.73, p. 531.

6.3 The Divert Offenders to Treatment Program

Diverting people with the most serious mental illnesses from jails is essential. Although estimation of cost savings using "saved bed days" multiplied by the jail's per diem rate significantly overestimates budgetary effects, there are many other benefits to the County of a program aimed at removing from the jail the most seriously mentally ill. By removing the most seriously mentally ill from the jail, the DoT program achieves many benefits that accrue to Cumberland County directly.

- ✔ Sharp reduction in suicide risk.
- ✔ Reduction in the risk of serious injury or homicide among the inmate population.
- ✔ Reduction in the risk of serious injury or homicide of corrections personnel.
- ✔ Reduction in the risk of escalation of mental illness symptoms while in jail, and avoidance of the costs associated with crisis care and possible hospitalization. (Costs that might have occurred are difficult to document; nonetheless, you will have seen some savings here.)
- ✔ Improved jail environment.
- ✔ Reduction in the stress placed on corrections officers.

Some benefits of the jail diversion program do not translate into budget savings, but instead place the County in a much stronger risk management position. For example, a lawsuit brought against the County because an inmate is injured seriously or killed at the hands of another inmate with a diagnosed and serious mental illness could run into the millions.

While some of the above benefits offer financial returns only through cost avoidance, reduced stress among corrections officers promotes higher productivity, reduces time lost through sick leave and personal days, and longer life expectancy.

The presence of the jail diversion program and the involvement of jail personnel in the program provide a secondary benefit: a more accepting and less blaming viewpoint towards inmates who are not diverted. Many people with mental illness and brain disorders like ADHD are not diverted quickly prior to trial and some are sentenced to jail. Improvements in daily interactions produces many positive returns for both the inmates and jail personnel.

Combining an active diversion program with training for corrections officers in crisis intervention and dealing with people with brain disorders (along with clear written policies) improves greatly the risk environment of the jail. In addition, jail personnel gain the sense that they are well prepared to manage the offender population they oversee, which reduces stress and enhances psychic rewards that come from doing a job, and doing it well.

It is my assessment that despite its small size, the Divert Offenders to Treatment Program and the community, governmental, and organizational collaborations it has produced are yielding a highly positive return on taxpayer investment. One important secondary intangible benefit is the impact the program has had on the dialogue in Maine around mental illness and incarceration. Statewide, the dialogue between policy makers, government officials, nonprofit agencies, and citizens has been elevated to a new level that has as its bottom line "we should be doing better". While offering Cumberland County no immediate fiscal return, I believe that your efforts have changed perceptions enough that practices are evolving in a manner that ultimately will produce a more reasoned sharing between the state and counties of financial responsibility for financing services.

Also importantly, the experience gained through this program and the alliances affected have established a strong foundation of experience and capacity from which Cumberland County and the Jail

will be able to tackle effectively new challenges and carve new ground in community corrections.

6.4 Expansion of Diversion Programming

There are many people who have mental illness who are not being served by the DoT program. This is not unexpected, because the assertive community treatment (ACT) approach is designed for people who have the most serious mental illnesses (e.g., schizophrenia or bipolar disorder), plus either a history of poor response to other treatment strategies and/or a current presentation of psychosis and other florid symptoms. Despite all the national attention being given to jail diversion programs, most serve only very small numbers of people. Hence, only a small portion of people who struggle with mental illness and/or co-occurring mental illness and substance abuse are being reached.

- ✔ The real cost-savings potential of diversion programs will not be realized unless they are large enough to produce a significant reduction in the need for jail and prison beds.

There is a large group of people with mental illnesses who are productive, contributing members of society. Like those people who are helped by the DoT program, they are our families, our friends, and our neighbors. A big difference, however, is that many of these people are not recognized as having a mental illness, even by co-workers, because they usually are able to manage their illnesses well. Many people who are being treated for mental illness with medication and therapy have chronic, mildly impairing symptoms, and they may face episodic exacerbations of symptoms. Typically, medication does not relieve all symptoms. Stress, aging, childbirth, job loss, financial set backs, and other factors produce brain chemistry changes that may exacerbate symptoms. Medication adjustments and changes are the norm, not the exception for people who suffer from serious mental illnesses. People who have been treated in the past for depression or other conditions may experience a sudden onset of an episode, after a lengthy period. Celebrities including Margot Kidder and Jane Pauley have made us aware, through their open discussions about their struggles with bipolar disorder, that brain disorders do not prevent people from leading productive lives, but symptoms can flair and wreak havoc.

When symptoms appear for the first time or flair up, people with mental illness, and also people with brain disorders like ADHD and brain injuries behave impulsively and in uncharacteristic ways. It also is not unusual for people to "self-medicate" with alcohol or other substances, to manage symptoms. Sometimes, behaviors bring people with brain issues to the attention of the police. Due to mania, ADHD, depression, alcohol, or other brain related conditions, people may not act the way they are "supposed to", and end up being arrested and jailed.

Many people who suffer from episodic and chronic forms of various mental illnesses may not be identified by jail screening instruments and are unlikely to self-identify. Stigma is a powerful force; people may be unwilling to reveal their illness for fear of losing a job, losing the chance for career advancement, and perhaps losing custody of children. These are people who are going through a short term, tough situation and often doing their best to cope, frequently with the assistance of a family physician, a psychiatrist, and/or a therapist.

Arrest and incarceration serve to escalate stress and symptoms. While the focus of jail population reduction strategies often is placed on sentenced offenders, a risk management view point argues for preventing incarceration or reducing the length of stay, because suicides are most likely to occur in the first 48 hours. People who have been leading productive lives and suddenly find themselves in jail are at high risk for suicide, because they see all they have worked to achieve crumbling. Minimizing the damage that accrues from arrest and incarceration is not simply providing a break to the person charged with a minor offense, it is in everyone's best interest. Getting people back to work and back to their families keeps tax dollars rolling in and reduces welfare payments. Reducing incarceration rates reduces

the long term need for new jail and prison beds.

There are two important barriers to successfully diverting people with mental illness out of the criminal justice system or minimizing their penetration into the system. The first is the necessary tension between holding people accountable for their actions and wanting to return them to leading productive lives. The second is the issue of preferential treatment: citizens will not be happy if they believe offenders can "get off" by claiming they are mentally ill. The potential for backlash is always problematic. A compromise exists in placing people into serious treatment, such as the ACT program. When anyone can see and agree that an individual does not belong in jail, diversion is embraced as a solution. However, this avenue is appropriate for and available to only the most seriously ill. The many people who could benefit from diversion are not going to be reached unless we see diversion as a solution, not a special favor for the few.

An aggressive criminal justice system and jail diversion effort would require reviewing all cases in a timely manner, and where appropriate, determining that borderline charges are unfounded. Another strategy would be strengthen the stance that jail should only be used to hold people who are at a risk of not appearing in court. The use of summons and related "notices to appear" can reduce greatly the number of people booked into jails. The Corrections Alternative Advisory Committee is considering the issue of bail in Maine; these programs need to be streamlined, bail procedures simplified, and alternative means of financing bail created (e.g., a loan from a bail fund for qualified people).

Arrests that proceed to the next level of the system—regardless of whether the individual is jailed—would be screened further, to assess the offender's criminal history, family and employment/education situation, and whether they require substance abuse treatment. Whenever possible, first time offenders and people facing minor charges should be offered deferred prosecution without pleading guilty. This strategy combines giving the person a chance with holding them accountable.

In other cases, prosecution will be necessary and people will be convicted. As others have identified, having available a range of community based sanctions would enhance judges' abilities to match offenders' needs and circumstances with the best correctional strategy. Probation services need to be expanded and strengthened. (I identify elsewhere in the report that 74 probation officers for a state the size of Maine is woefully inadequate.)

Cumberland County has experience with diverting the most seriously mentally ill and people with co-occurring mental illness and substance abuse. You also have strong, collaborative partnerships with Maine Pre-Trial Services, the Southern Maine Co-Occurring Disorders Collaborative, and many justice agencies. The County is well positioned to advocate for and to play an important role in increasing the availability and use of diversion opportunities. In addition, you are in a position to assume a leadership role in promoting more community-based sanctions for offenders. An investment in people who are employed and leading productive lives offers great returns to society and to government, because returning to productive lives maintains tax payments and reduces the need for welfare programs and corrections investments.

6.5 Opportunities for the Cumberland County Jail to Serve as a Regional Facility

The Cumberland County Jail has more than double the capacity of the next largest jail in Maine, has established collaboration and working relationships with many treatment providers not only in the greater Portland area, but through all of southern Maine. Sheriff Mark Dion is very highly regarded in Maine and the nation for his forward looking corrections philosophy. The staff of the Jail are well

trained, committed professionals. These factors combine with needs of other county jails and the Maine Department of Corrections to argue for a leadership role for the Cumberland County Jail, in at least two areas.

Forensic Services

With extensive and highly regarded experience with diverting the mentally ill and established, collaborative partnerships with service providers and consumer groups, Cumberland County is positioned uniquely to offer regional or even statewide services that could involve a residential forensic unit and a teleconferencing mental health evaluation/crisis assistance component.

In cases where incarceration occurs despite best efforts at diversion, jails need to be prepared to screen effectively and either refer or provide treatment to inmates with mental illness. Many county jails in Maine are very small and lack the staff and expertise to deal with pre-trial and sentenced offenders with mental illness; they also are too small to consider mounting programs. To further complicate matters, there is a great vacuum of community support services, with long waiting lists for those that exist.

- ✔ The large number of suicides in Maine jails over the past several years indicates a pressing need for Maine to build capacity to assess whether incarcerated persons suffer from mental illness, to monitor mental health status while people are incarcerated, even if they do not present at booking with symptoms, and to respond effectively when someone appears to be at risk or requires treatment.

Programs for Female Offenders

The growth in female populations is stressing many jails across the state, including the Cumberland County Jail. Small jails are not positioned to offer the services and supports needed by pre-trial and sentenced females.

Mental Health

Mental health issues are a particular concern. Women are at higher risk than are men for depression, both at the time of booking and during incarceration. The screening instrument used to assess mental health status and suicide risk for women has been demonstrated to yield false negatives in about 15%-17% of screens, an unacceptably high ratio. Depression is less likely to be discovered during screening, as compared with bipolar disorder and schizophrenia.

Females who are held in jail pending trial and those sentenced to jails have special needs for support due to concerns about children and other matters. Offering support groups, providing social services, and developing other programs that target women in jail are not feasible for most Maine county jails, either because they lack the critical mass of females to make programs work (e.g., support groups) or the initiative would be cost-prohibitive. Maine must increase its capacity to ensure accurate mental health assessments and treatment, and to provide women with needed supports.

Cumberland County, with its larger facility and more extensive experience working with females and the mentally ill is poised to assume a leadership role in serving female offenders and addressing the significant gap in the currently available array of services. First, Cumberland County could lend assistance to other jails in screening females for mental illness. Second, as part of a forensic unit, Cumberland County could offer a regional or even a statewide setting for women with mental illness who are awaiting trial or sentenced to local jails. Third, the County may wish to explore designating a larger section of the jail for women and increasing your capacity to serve this audience. While the

number of jail beds available across the state will increase over the next few years, as the Twin Bridges and Somerset jails come on line, it is unlikely that jails will be prepared to meet effectively the needs of female populations. This creates the opportunity for Cumberland County to develop enhanced programming for your own female population, while also ensuring placement space for females from other counties.

Specialized Program for Female Offenders

Cumberland County may want to explore the possibility of a state-county facility to serve incarcerated female offenders. Many women are not sentenced to lengthy times in state prison, so a joint county-state facility could serve a broader population than is currently feasible for a jail. With increases in the number of women being arrested and changes in sentencing laws that place offenders in jails for up to one year, Maine's county jails other than Cumberland simply are not in a position to provide psychosocially appropriate programming for women. The proximity of the University of Southern Maine offers a unique opportunity to partner with the Department of Social Work to involve baccalaureate and masters level social work students as paid interns and volunteers. The proximity of Southern Maine Technical College and USM offers some interesting opportunities for both male and female inmates, such as permitting inmates to take college level courses. With the expansion at USM of distance education technologies, it would be quite feasible to make the jail a receiving site for courses.

6.6 Juvenile Justice and Delinquency Prevention Programming

There simply is not enough being done to intervene in the lives of young people who have mental illness and/or substance abuse disorders, or who are at risk of developing disorders. The 2004 monograph from Columbia University's National Center on Addiction and Substance Abuse (CASA) entitled *Criminal Neglect: Substance Abuse, Juvenile Justice and The Children Left Behind* makes a compelling case that we are neglecting our scarcest resource and we need to invest in treatment.

Cumberland County has been growing and can expect to see continued increases in its youth population, especially in smaller, rural towns. A juvenile justice prevention and diversion program is needed; Cumberland County is positioned perfectly to spearhead an effort that would involve community groups, non-profit organizations, and schools. I would encourage the Southern Maine Co-Occurring Disorders Collaborative to brainstorm possibilities.

6.7 Justice and Community Corrections Planning

Maine does not invest in planning and analysis. The state needs to build a capacity to do the kinds of analysis contained in this report, and to do it on an on-going basis for a broader range of agencies than corrections. In other states, counties often serve as a centralized site for criminal and juvenile justice planning and coordination. Cumberland County's established relationships with key agencies make you a natural locus for this type of activity. The annual cost of employing a criminal justice planner in the Sheriff's Department would be approximately $50,000 plus benefits. This individual would be responsible for criminal and juvenile justice data compilation and analysis, developing an annual or biennial needs assessment for community corrections, grant writing, and related activities.

6.8 Financing

Money, the proverbial problem . . .

Self-Financing Strategy

Jails that board prisoners for other jurisdictions currently receive a per diem payment. As discussed in Chapters 2 and 4, this method does not take into account overhead or direct costs of care, or other "full cost" considerations like depreciation. Cost-finding should be used to allocate indirect costs. More opportunity for enhancing the revenue stream derives from a shift in accounting methods. Under generally accepted accounting principals (GAAP), because the jail sells services to other counties and the federal government, it is an enterprise activity or "business-like" operation. Accounting standards require the jail to be accounted for in an enterprise account, using proprietary (accrual) accounting methods. Under accrual accounting, depreciation of facilities and other capital assets is computed. User fees could then determined on the basis of the full cost of operating the jail, including indirect costs. This is an area in which a student from USM's Muskie School or School of Business may be able to provide some assistance, either through an internship with your finance department or as a capstone project.

A full cost approach to charging for boarders is more accurate and prevents the current subsidization by receiving counties of the corrections costs of sending counties. Under a full cost basis, any subsidy provided by Cumberland County (in the form of reduced boarding fees) would be explicit and would need to be adopted by policy makers. Changing the method for charging for boarders would benefit Cumberland County greatly, and open the door for financing broadened initiatives. A forensic unit would be similar to a hospital, so this financing approach to financing would be the obvious one. With respect to the jail, it may be more difficult to convince state policy makers to change methods. However, they state uses a cost allocation method itself, so they will understand the issues. There are several factors that can help you to make you case. First, recent changes to GAAP accounting standards require capital assets to be valued and placed on the balance sheet: depreciation of the public stock no longer can be ignored. Second, not including overhead and depreciation in the costs of jails and prisons understates the true cost of existing and planned facilities. Controlling the costs of corrections is aided by a better understanding of all the costs involved. Finally, property taxes vary widely across the state. An equity argument can be made for asking sending counties to pay their fair share of costs, rather than continuing the current system that forces receiving counties to absorb overhead, depreciation, and inmate-specific added costs.

State Funding for Regional Efforts

Currently, special state funds are available for regional efforts, so the timing is right to consider seriously what you do well and whether it is appropriate to move forward with some of the initiatives suggested here, or others. Should you want to move ahead with regional activities, you will need to rethink financing, to ensure that costs are covered to the greatest extent possible through fees for services, after which foundation support is a possibility.

Engage the State as a Fiscal Partner to Address Unmet Needs

Should Cumberland County decide to expand its diversion efforts with the mentally ill and people with co-occurring substance abuse disorders, and perhaps especially if you decide to expand your efforts to include other counties, an effort should be made to engage the state as a financial partner. They will not come to the table willingly, but there are compelling reasons for them to participate financially, with a meaningful investment, if Cumberland County is willing to take the lead.

The presence of so many persons with untreated mental illnesses and addictions in Maine's jails and prisons reflects a failure of the state's mental health system. Maine currently ranks 3rd in the US for the number of persons in state prisons who receive psychiatric medication and therapy. As I explain in

the report, the situation is likely worse in jails and probably especially the Cumberland County Jail. The situation with so many suicides in Maine jail makes the state vulnerable to a charge of indifference; they could be held liable for deaths and injury. Other states have learned the hard way that lawsuits are very expensive.

The criminal justice system as a whole, ranging from law enforcement to jails to courts and to prisons, is feeling the tremendous impact of drug addiction. Victims are seeing the effects of not identifying and treating people with substance abuse disorders. Failing to address adequately the needs of people with substance abuse disorders is contributing to an increase in crime and a shift toward substance abuse arrests and drug involved crimes of other types. The change in the balance of crimes towards drug involved and toward Part 2 crimes is pushing financing responsibility onto the counties, as the jails are being asked to house more prisoners and problem substance abuse treatment.

The State should have a role in ensuring that people who come into contact with the criminal justice system in Maine have an equal opportunity for justice before the law. The presence of diversion programs in some counties but not others means that where one is arrested is a strong predictor of the course of their case, and perhaps their lives. It would be extremely expensive to mount diversion programs for the mentally ill in every county. Similarly, it would be extremely expensive and probably unfeasible to have treatment and specialized programs in each jail. If Cumberland County is willing to take the lead on extending programming to assist other counties, the State should assume a substantial share of the cost—*in the interest of justice*.

Foundation & Grant Support

Depending on the nature of the initiative, foundation support may be available. A program that served many counties in Maine and perhaps coastal New Hampshire would be attractive to many foundations, because they would know their investment was having a broad impact. Foundations are especially interested in contributing to starting programs that are innovative and may be replicated elsewhere.

Particular targets are of special interest to particular foundations. For example, a foundation with interests in women and education might be interested in a jail based program that uniquely addresses the needs of women offenders and helps them to gain knowledge, skills and social competencies that will enable them to contribute to their communities. A juvenile substance abuse and mental health outreach program would appeal to some foundations. There are some Maine based foundations such as the King Foundation that should be considered, but don’t limit your search to local organizations. Businesses located in Maine are also possibilities, such as L.L. Bean. Trying to get mental health and substance abuse services to people in small jails in a rural state would have great appeal to many potential funders.

APPENDIX 1:
Benefit Cost Analysis Guides[35]

A. Steps in a Benefit-Cost Study

The following list provides a sequence of steps that may be followed when conducting a benefit cost analysis, or when reviewing a proposal and plan for undertaking a benefit cost study.

1. Define the problem being addressed.
2. Decide the policy/program goals and objectives.
3. Determine the geographic scope of intended impact.
4. Specify policy or program alternatives.
5. Identify direct and indirect program costs.
   a) Identify expenditures that will be incurred during the construction period and/or as a consequence of other start-up activities.
   b) Identify the capital and operating costs that will be incurred during the life of the program life (e.g., correctional officer for a new jail; teachers and staff for a new school; IT support for a computer network).
   c) Identify intangible costs associated with setting up program, such as dislocation of people, aesthetic alterations, disruption.
   d) Check list of costs to see whether all potential negative externalities have been included.
   e) Describe any negative distributional and equity impacts: *Who wins and who loses? Why is this redistribution less equitable? Do any project impacts create inequities in income or other circumstance? Exacerbate existing inequities?*
6. Identify direct and indirect program benefits
   a) Specify all tangible benefits attributable to the project.
   b) Specify all intangible benefits attributable to the project.
   c) Check to be sure you have not double-counted benefits.
   d) Review delineation of benefits to see whether all potential positive externalities have been included.
   e) Describe any positive distributional and equity impacts:
      - ✔ Who wins?
      - ✔ Who loses?
      - ✔ Does the redistribution improve or diminish equity?
      - ✔ Do any project impacts enhance equity in income or other circumstance?

   f) Scrutinize Benefits.
      - ✔ Are benefits truly attributable to the program?
      - ✔ Are benefits limited to incremental gains over existing activity?
7. Quantify tangible costs and benefits.
8. Quantify any intangible costs and benefits for which there are reasonable methodologies available (e.g., contingent valuation or projections based on sound studies such as those that estimate the costs of victimization). Note: Be explicit about method in written and oral presentations.
9. Discount costs and benefits.
   a) Decide on a discount rate (if not pre-specified in statute)
      - ✔ Is a lower, social rate of discount justified for some or all costs and benefits on the basis of a social time preference?

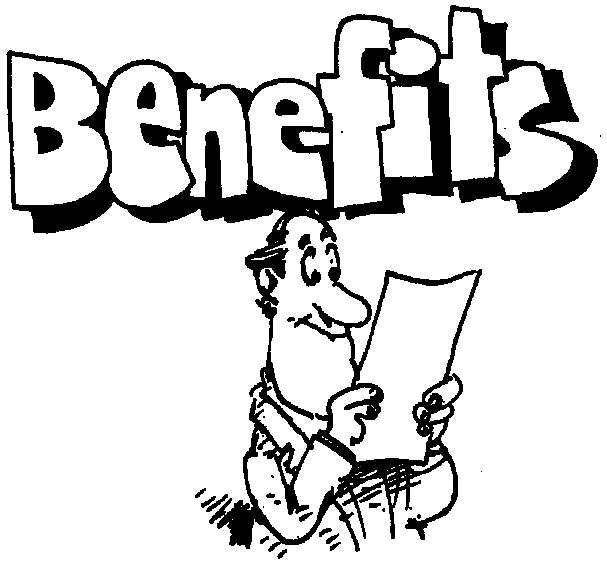
   b) Compute present values of all costs and benefits

[35] This appendix has been adapted from Chapter 12 in Josephine LaPlante and Taylor Durham, *An Introduction to Benefit Cost Analysis for Evaluating Public Expenditure Alternatives*, Policy Studies Associates and Apex Press,1984.

10. Decide steps to ensure that unquantified intangible costs and benefits are given adequate weight in decision making.
11. Compare Costs with Benefits
    a) Compute Net Present Value of Benefits and Costs (NPV Benefits - NPV Costs)
        ✔ Is the net present value of benefits minus costs at least zero or positive?
    b) Compute Ratio of Benefits to Costs
        ✔ Is the ratio of benefits to costs >= 1?

    NOTE: When the total values of alternative policies/projects differ substantially, using a ratio rather than a net benefits reduces bias towards large projects.
11. Perform sensitivity analysis by altering key assumptions
    a) Does the net present value of benefits minus costs remain positive under varied assumptions?
    b) Does the ratio of benefits to costs remain >= 1 when the discount rate and other assumptions such as the timing of costs and benefits changes?
12. If the project is not defensible on the basis of quantified benefits compared with quantified costs:
        ✔ Are there any unquantifiable intangible benefits that make implementation nonetheless advisable?
13. If the project appears feasible on economic grounds:
        ✔ Are there any unquantifiable costs (negative impacts) that suggest that the project should not be implemented?

B: Checklist for Reviewing a Benefit-Cost Study



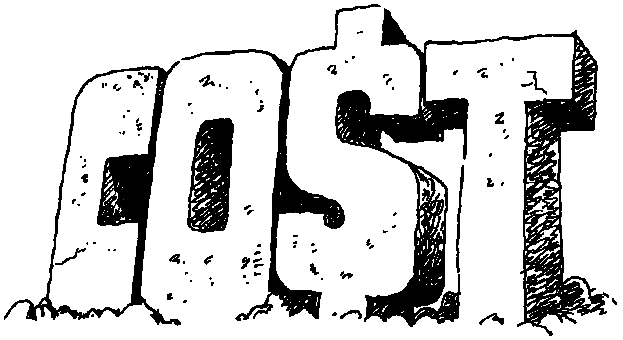
It is easy to overlook factors in conducting a benefit-cost analysis or in evaluating someone else's study. The following checklist of principles and pitfalls should help you critique your own or someone else's work.

Benefits

1. Are benefits claimed actually attributable to the project?
2. Have all benefits been identified?
    ✔ Have all potential beneficiaries been considered?
    ✔ Are intangible benefits included?
    ✔ Have intangible benefits been given reasonably equal consideration relative to tangible benefits?
3. Are benefits computed correctly, as incremental or net gains over existing activity and programs?
4. Does the length of time for which benefits are attributed to the project appear to be reasonable?
    ✔ Are benefits projected far enough into the future to capture most or all effects?
5. Are intermediate and final outputs of the program or project differentiated?
6. Is there any indication of double-counting of benefits?
7. Are any costs counted as benefits?
    ✔ Check for project employment costs in particular.
8. Are pecuniary benefits included?
    ✔ If yes, is the corresponding cost also included (e.g, is the increase in revenues at Walmart countered with the loss of revenues at other local stores)?
    ✔ Is a net benefit estimated? *NOTE*: A negative net benefit should be included as a cost.
9. Are distributional and equity impacts considered explicitly?

✔ Are they given adequate attention in deciding whether the project is recommended for implementation?

Costs



10. Have all direct and indirect project costs been identified?
11. Are both capital and operating budget expenditures projected (e.g., constructing a new jail wing, furnishing it, and then staffing it for the life of the project)?
12. Are intangible costs included?
    ✔ If yes, does the list seem exhaustive or skimpy? Are these impacts evaluated and discussed or simply noted in passing?
13. Are costs computed correctly, as incremental increases over existing activity and programs?
14. Are negative benefits treated appropriately as costs?
15. Are potential unintended impacts enumerated?
    ✔ If yes, does the list seem exhaustive or skimpy? Are these impacts evaluated and discussed or simply noted in passing?
16. Are pecuniary costs included?
    ✔ If yes, is the corresponding benefit also included (e.g, is the decrease in revenues for local stores countered with the increase of revenues at Walmart)?
    ✔ Is the value of the net cost estimated? NOTE: If the net cost is negative, it should be included as a benefit.
17. Are distributional and equity impacts considered explicitly?
    ✔ Are they given adequate attention or simply noted in passing?

Quantification

18. Does the selection of prices for valuation of inputs and outputs appear reasonable?
19. Are the periods of time from which prices used for quantifying program costs have been taken unusual for any reason?
20. Are "shadow prices" used where appropriate to reflect true market prices when government subsidies, price supports or ceilings are in place or taxes are influencing prices?
21. Where relevant, are wage costs adjusted to reflect the true social opportunity cost of employing labor?
22. Are there any clues as to whether positive and negative externalities are undervalued or overvalued?

Discounting

23. Are all benefits and costs discounted?
    ✔ Where the discount rate selected appears to be unexpectedly high or low, is a sound explanation offered?
24. Is a social rate of discount used for computing any benefits or costs?
    ✔ If yes, what is the rate?
    ✔ Is a rationale provided for using a social rate and for the rate selected?
    ✔ Does the rate appear to be reasonable, or should it be higher or lower?

Sensitivity Analysis

25. Does the study include a sensitivity analysis?
    - ✔ Does the sensitivity analysis adequately explore the impact of varying all important assumptions, including the discount rate and the projected timing of benefits and costs?

Comparison of Alternatives

26. Is adequate information given to permit realistic comparison of the benefits and costs of the favored policy/project with at least one alternative?
27. If the total values of alternative policies/projects differ, are the alternatives evaluated using a ratio rather than a net benefits figure (which will create a bias towards large projects.)

APPENDIX 2: Somerset County Jail Flier

JAIL COSTS ARE RISING UNCONTROLLABLY

THE PROPOSED JAIL offers a chance to control costs and save in the future.

Jail costs have grown steadily in recent years.The jail is the largest single budget item for Somerset County.

Taxpayers are facing spiraling costs because the jail does not have adequate space to house the increasing population. Inmates are routinely transported to other facilities where room and board charges exceed $100 per day, per inmate - plus the cost of transportation.

Building a new jail will provide adequate capacity in an efficient facility. Initially, this will cost more; however, when the construction loan has been retired, the County will see projected savings of over $**4 million** ***per year.*** Over a 30-year period, the savings are significant:

TOTAL 30-YEAR COSTS

To do nothing and board excess inmates in other counties……. $165,300,000

To renovate and expand the Old jail…….$171,300,000

To build and operate a new jail…….... $149,700,000.

JAIL POPULATION WILL CONTINUE TO GROW WHILE CAPACITY SHRINKS.

THE PR OPOSED NE W JAIL meets current bed space needs with capacity to efficiently accommodate future bed space needs for a changing population.

The jail population has consistently exceeded capacity for the last ten years. Since 1995, the jail population has grown 65%. Current peak populations reach nearly 100. The existing facility has a capacity of 45 inmates.

The increase in population is caused by a number of forces which cannot be controlled by the County. These include:

- ~ Sentencing practices resulting in longer sentences
- ~ New laws
- ~ State programs to divert inmates from state prisons to county jails
- ~ Increased emphasis on drug enforcement

Jail facts and figures--

The characteristics of the prisoner population are changing too - with longer term prisoners serving time for more serious crimes.

And remember, every serious offender who eventually ends up in State prison, spends many months as a pretrial detainee in the Somerset County Jail.

In effect, it's pay now, or pay *much* more later.

THE JAIL IS NOT SAFE AND DOES NOT COMPLY WITH STATE CORRECTIONAL STANDARDS.

THE PROPOSED JAIL provides a safe, secure, standards compliant setting for staff, inmates, and the public.

Due to overcrowding and layout, the existing jail is not safe for:

- ~ Staff who work there;
- ~ Inmates who live there;
- ~ Officials and staff who visit the jail; and
- ~ The public

Because of the lack of adequate prisoner separation, supervision, program space, and security, the jail does not meet mandatory state standards and currently operates under a temporary variance from the Maine Department of Corrections. The lack of standards compliance increases the risk of costly lawsuits.

- ” On an average day, 5 inmates will be admitted to the jail and five will be released
- ” An admission or release occurs about once every two hours-- at all hours of the day and all days of the week
- ” There are nearly 2,000 admissions to the jail every year
- ” Over 90% of the inmates are male
- ” 64% of all inmates are over the age of 25
- ” 70% of all inmates are county residents

PROPOSED NEW JAIL OFFERS SOLUTIONS TO CURRENT PROBLEMS AND PROVIDES A RESPONSIBLE, FLEXIBLE, COST-EFFECTIVE WAY TO MEET FUTURE NEEDS.

THE PROPOSED JAIL will:

House up to 173 long-term inmates and;
27 short-term inmates (not counted as bed capacity but available for peaks.)

When fully occupied provide capacity for 4 times as many inmates as the current jail, but require only 89% more staff.

The County analyzed several solutions to the jail problems including expansion at the current site. This option was rejected because adequate land is not available for future expansion, and the constrained design would be much less staff-efficient.

Construction of a new facility just over the town line in Madison emerged as the only responsible long-term solution. A committee has been created to explore uses for the old jail.

The new jail has been designed and located for maximum flexibility and efficient expansion. The site selected has ample space for growth.

The proposed facility also offers important new opportunities for developing work and industries programs to reduce inmate idleness. Prisoners who work contribute toward the cost of their confinement, to the community, and to their families.

SOMERSET COUNTY JAIL ADVISORY COMMITTEE

Elaine Aloes – Solon
Joan Bradley – Detroit
John Doucette – Norridgewock
Elvin Hawes – Bingham
Glen Mantor – Madison
Peggy Morgan – Hartland
"Katie" Ouilette – East Madison/Skowhegan
Matthew Petrie – Fairfield
John F. Ring, Sr. – Pittsfield
Steve Steward – Bingham
Phil Tarr – Skowhegan
Richard Thorndike – Canaan
Lloyd Trafton – West Forks
H. Ralph Withee – Anson

For the past 5 years officials have studied jail problems, future needs, and *all* of the options carefully. **The Jail Advisory Committee supports the proposed new jail because:**

- It offers the county a chance to control costs;
- It keeps jobs in Somerset County, rather than paying millions of dollars to other counties to house our prison
- It will house future populations in an efficient, effective and flexible way;
- It will provide a secure and safe jail that complies with state standards- now and in the future.

The Committee believes that the proposed jail will be a prudent investment. Although it will be costly in the first years, it will yield increasing savings and benefits over the long run.

For More Information: *contact the Jail Committee through Robin Weeks at the County Commissioners Ofice (207-474-9861), email: somerset@mainester.net or visit our web site at www.somersetcountycommissioners.com to learn all of the facts!*

On November 8th, Somerset County Voters Will Be Asked to Approve Funding for a New Jail. It's a tough decision -- voters should know all of the facts.

WHY BUILD A NEW JAIL?

- Costs to operate the old jail and house excess prisoners in other counties are rising uncontrollably.
- The old jail is not safe and it does not meet minimum State standards -- posing serious liability.
- The new jail will be efficient and flexible to meet future needs.
- The new jail will keep jobs in the County rather than paying other counties to house our prisoners.

We en courage you to vote on Tuesday, November 8th. Absentee ballots are also available at your Town Clerk's Office.

APPENDIX 3: The Uniform Crime Reporting System

The national Uniform Crime Reporting (UCR) system is based on consistent classification of offenses across local jurisdictions and states. Maine's Department of Public Safety receives reports of crime and arrest data from local police departments and compiles the information for the Federal Bureau of Investigation. In addition, they publish annually detailed crime data and analyze trends in the report series *Crime in Maine*. These reports form a rich foundation for crime analysis and criminal justice planning in Maine and have been used extensively in preparing this report and the annual *Crime and Justice Data Book*, published by USM's Muskie School of Public Service. Reports from the years 1995 through 2004 currently are available at the Department of Public Safety website: http://www.maine.gov/dps/cim/crime_in_maine/cim.htm.

The following listing and explanation of offenses is adapted from the Department of Public Safety web site, http://www.maine.gov/dps/cim/crime_in_maine/A-AnnualReportsp6-11/Offense.htm, and supplemented with descriptions from the U.S. Department of Justice's Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* (2004), which is available online at:
http://www.fbi.gov/ucr/handbook/ucrhandbook04.pdf.

PART I OFFENSES

1. CRIMINAL HOMICIDE

1a. Murder and Non-Negligent Manslaughter — The unlawful killing of a human being with malice aforethought. Includes any death due to a fight, assault, or commission of a crime.

1b. Justifiable Homicide—"the killing of a felon by a police officer in the line of duty" or "the killing of a felon, during the commission of a felony, by a private citizen". Justifiable homicide does not include incidents where the offender claims innocence on the basis of killing a person in self-defense.[36]

1c. Manslaughter by Negligence — The unlawful killing of a human being, by another, through gross negligence. The killing may result from the commission of an unlawful act or from a lawful act performed with gross negligence.

2. FORCIBLE RAPE (as distinguished from statutory rape without force)

2a. Rape by Force — The carnal knowledge of a female forcibly and against her will.

2b. Attempted Forcible Rape — All assaults and attempts to rape.

3. ROBBERY. The forcible taking of the property of another, against his will, by violence or by putting him in fear. Classified further as involving:

3a. Gun — All robberies and attempted robberies involving the use of any type of firearm.

3b. Knife or Cutting Instrument — All robberies and attempted robberies involving the use of cutting or stabbing objects.

3c. Other Dangerous Weapon — All robberies or attempted robberies when any other object or thing is used as a weapon (e.g., clubs, bricks, jack handles, explosives, acid, etc.)

3d. Strong Arm —All robberies, which include mugging, and similar offenses where no weapon is used, but hands, fists, feet, etc. are employed to deprive the victim of his property.

4. ASSAULT. An assault is an attempt or offer, with unlawful force or violence, to do physical injury to another, but excluding assaults with intent to rob or rape. Assaults are classified further into one of these categories: gun, knife or cutting instrument, other dangerous weapon, or strong arm. (See Robbery for descriptions.)

5. BURGLARY. Any unlawful entry or attempted forcible entry of any dwelling house, attached structure, public building, shop, office, factory, storehouse, apartment, house trailer (considered to be a permanent structure), warehouse, mill, barn, camp, other building, ship or railroad car. Breaking and entering of a motor vehicle is classified as "larceny" for UCR purposes. Classified further into one of these categories:

5a. Forcible Entry — All offenses where force of any kind is used to enter unlawfully a locked structure, with intent to steal or commit a felony. This includes entry by use of a master key, celluloid, or other device that leaves no outward mark but is used to open a lock. Concealment inside a building, followed by the breaking out of the structure, is also included.

5b. Unlawful Entry — No Force — Any unlawful entry without any evidence of forcible entry.

5c. Attempted Forcible Entry — When determined that forcible entry has been attempted.

6. LARCENY-THEFT (Except Auto Theft). The unlawful taking of the property of another with intent to deprive him of ownership. General Rule — All larcenies and thefts resulting from pocket-picking, purse snatching, shoplifting, larceny from auto, larceny of auto parts and accessories, theft of bicycles, larceny from buildings, and from coin-operated machines. Any theft that is not a robbery or the result of breaking and entering is included. Embezzlement, larceny by bailee, fraud or bad check cases are excluded.

7. MOTOR VEHICLE THEFT. The larceny or attempted larceny of a motor vehicle. This classification includes the theft or attempted theft of a motor vehicle, which, for Uniform Crime Reporting designation, is described as a self-propelled vehicle that runs on the surface of the land and not on rails. Includes "joy riding." Excludes reported offenses where there is a lawful access to the vehicle, such as a family situation or unauthorized use by others with lawful access to the vehicle (chauffeur, employees, etc.).

8. ARSON. Includes all arrests for violations of state laws and municipal ordinances relating to arson and attempted arson. The willful or malicious burning to defraud, a dwelling house, church, college, jail, meeting house, public building, or any building, ship or vessel, motor vehicle or aircraft, contents of buildings, personal property of another, goods or chattels, crops, trees, fences, gates, lumber, woods, bogs, marshes, meadows, etc., should be scored as arson.

[36] The Maine Department of Safety does not include this offense in its listing of offenses, but it is included in the official UCR listing under criminal homicide. (See the UCR Handbook 2004).

PART II OFFENSES

9. OTHER (Non-aggravated) ASSAULTS. This class is comprised of all assaults and attempted assaults, which are simple or minor.
10. FORGERIES AND COUNTERFEITING. All offenses dealing with the making, altering, uttering or possessing, with intent to defraud, anything false in the semblance of that which is true. Includes: altering or forging public or other records; making, altering, forging or counterfeiting bills, notes, drafts, tickets, checks, credit cards, etc.; forging wills, deeds, bonds, seals, etc.; counterfeiting coins, plates, checks, etc.; possessing or uttering forged or counterfeited instruments; signing the name of another or fictitious person with intent to defraud; and all attempts to commit any of the above.
11. FRAUD. Fraudulent conversion and obtaining money or property by false pretense. Includes: bad checks, except forgeries or counterfeiting; leaving full-service gas station without paying attendant; unauthorized withdrawal of money from an automatic teller machine; or failure to return rented VCRs or videotapes.
12. EMBEZZLEMENT. Misappropriation or misapplication of money or property entrusted to one's care, custody or control.
13.STOLEN PROPERTY: BUYING, RECEIVING, POSSESSING. Include in this class all offenses of buying, receiving, and possessing stolen property, as well as all attempts to commit any of these offenses.
14. VANDALISM. Vandalism consists of the willful or malicious destruction, injury, disfigurement or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, covering with filth, or any other such means as may be specified by local law. Count all arrests for the above, including attempts.
15. WEAPONS: CARRYING, POSSESSING. This class deals with violations of weapons laws such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit the above.
16. PROSTITUTION & COMMERCIAL VICE. Include in this class the sex offenses of a commercialized nature such as prostitution, Keeping a bawdy house, disorderly house or house of ill repute, pandering, procuring, transporting or detaining women for immoral purposes, and all attempts to commit the above.
17. SEX OFFENSES (Except forcible rape, prostitution, and commercialized vice). Include offenses against chastity, common decency, morals, and the like: adultery and fornication, buggery, incest, indecent exposure, sodomy, statutory rape (no force), and all attempts to commit any of the above.
18. DRUG ABUSE VIOLATIONS. Unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Drug abuse violation arrests are classified on the basis of (a) sale/manufacturing or possession, and (b) the narcotic substance(s) involved.
19. GAMBLING. All charges which relate to promoting, permitting or engaging in gambling: bookmaking (horse and sport books); numbers and lottery; all other (include all attempts).
20. OFFENSES AGAINST FAMILY & CHILDREN. Include here all charges of non-support and neglect of family and children: desertion, abandonment, or non-support; neglect or abuse of children; non-payment of alimony. Note: Do not count victims of these charges who are merely taken into custody for their own protection.
21. DRIVING UNDER THE INFLUENCE. This class is limited to the driving or operating of any vehicle while drunk or under the influence of liquor or narcotic drugs.
22. LIQUOR LAWS (except OUI and Drunkenness). Liquor law violations including manufacturing, sale, transportation, furnishing, possessing, etc.; maintaining unlawful drinking places; operating a still; furnishing liquor to a minor; illegal transportation of liquor; possession of liquor by a minor; and all attempts to commit any of the above.
23. DRUNKENNESS. All offenses of drunkenness or intoxication, with the exception of "OUI" (Class 21), and Including persons taken into custody and/or referred to alcohol rehabilitation or detoxification centers. *Please Note*: Neither drunkenness nor public intoxication are a crime in Maine, but data is maintained for administrative purposes.
24. DISORDERLY CONDUCT. Count in this class all disorderly persons arrested, except those counted in classes 1- 25.
25. VAGRANCY. Maine criminal code has eliminated this as a violation; arrests no longer are recorded for this offense.
26. ALL OTHER OFFENSES. Include in this class every other state or local offense not included in classes 1 through 25. Offenses that may be classified here include among others: admitting minors to improper places, bigamy and polygamy, blackmail and extortion, bribery, contempt of court, discrimination, unfair competition, kidnaping, offenses contributing to juvenile delinquency except as provided for in classes 1 through 25 (such as employment of children in immoral vocations or practices), perjury and subornation of perjury, possession, repair, manufacture, etc. of burglar's tools; possession or sale of obscene literature, pictures, etc., public nuisances; unlawful use, or possession, etc. of explosives.
27. SUSPICION. Not reported in Maine.
Please note: *The following two offense groups do not constitute crimes for adults, only juveniles.*
28. CURFEW AND LOITERING LAWS. Count all arrests made for violations of local curfew or loitering ordinances.
29. RUNAWAY. For purposes of the UCR program, apprehensions for protective custody as defined by local statute are reported in this category. Arrest of runaways from one jurisdiction by another agency are counted by the home jurisdiction rather than the arresting jurisdiction.

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About the Author

JOSEPHINE M. LaPLANTE is an associate professor at the Edmund S. Muskie School of Public Service, University of Southern Maine. She earned masters and doctoral degrees in Social Science at the Maxwell School at Syracuse University, where her interdisciplinary graduate education combined a substantive specialization in economics with doctoral level work in social science research methodology, sociology, and public administration. Dr. LaPlante is the author of *An Introduction to Benefit Cost Analysis for Evaluating Public Expenditures* and has published widely in books and journals including *Public Administration Review*, *Municipal Finance Journal*, *Policy Studies Review*, *Journal of Management Information Systems*, *Public Productivity Review*, *Knowledge: Creation, Diffusion and Utilization,* and *Maine Policy Review*. At the Muskie School, Dr. LaPlante's research and teaching focus on state and local public finance and the application of social science methodology to public policy issues; she directs and teaches a variety of methodology courses in the Muskie School's graduate certificate programs in applied and advanced research and evaluation methods.

Dr. LaPlante has authored numerous reports and studies focusing on Maine policy issues. In 1993, she co-authored *Dollars and Sense, Maine State Budgeting at a Crossroads* with Muskie School alumni Robert Devlin, now the Kennebec County Administrator. In 1994, LaPlante's analysis of resources in Maine's schools led to the establishment of an education policy research partnership between the University of Maine System and the Legislature. In 1996, the Twentieth Century Foundation published LaPlante's study of the impacts of federal budget and military retrenchment on Maine's economy and state and local governments. In 1998, Dr. LaPlante's many contributions to informing the public dialogue were recognized when she was selected for the American Society for Public Administration's *Maine Public Service Award*.

Dr. LaPlante has had a longstanding interest in improving justice policies and practices. During the mid and late 1970s, LaPlante directed the development of an annual comprehensive plan for criminal and juvenile justice for Syracuse and Onondaga County, New York and developed numerous projects funded through the Law Enforcement Assistance Act (L.E.A.A.). One project, the Syracuse-Onondaga Victim Witness Assistance Center, received national recognition for innovative partnering between a formerly all volunteer rape crisis center, a district attorney's office, and a nonprofit volunteer center. Another project, a family crisis intervention program that used a 24-7 team approach to divert status offenders from detention, was replicated in many jurisdictions across the country.

In 2000, Dr. LaPlante worked with the Maine Department of Corrections and colleagues at the Muskie School's Institute for Public Sector Innovation to establish the Maine Crime and Justice Statistical Analysis Center, which she co-directed during its implementation phase. With J. Ryan Barry, LaPlante undertook Maine's first comprehensive compilation and analysis of system wide crime and justice data and wrote the inaugural edition of the *Maine Crime and Justice Data Book*, which has been updated annually by research staff at the Muskie School.

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