

123<sup>rd</sup> Legislature  
First Regular Session

Final Report of the  
Corrections Alternatives Advisory Committee  
December 2006

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7. **Increase Financial Support for Community Corrections Programs and Separate from Jail Subsidy:** In its Interim Report, the CAAC emphasized that funding for community corrections programs should be separated from state subsidies for the on-going operation of county jails. Separating these two funding streams will emphasize the importance of community corrections programs as a means to improve the efficiency and effectiveness of our correctional system. The CAAC also recommends that, on an interim basis, increases in state support for local corrections be targeted to community corrections programs until the community corrections portion of all state support to local jails and programs reaches a set, higher percentage. The CAAC is also recommending the creation of a Correctional Program Incentive Fund. For a further discussion of these recommendations, see the Funding of Jails and Community Corrections section of the Report. In addition, the CAAC recommends that the Community Corrections Act be revised to place a greater focus on such efforts as: establishing evidence-based programs, providing technical assistance to counties from the state for such programs, and improving state oversight of programs.

The members of the Committee would like to express our appreciation to the large number of individuals and groups who participated in and supported our work. The level of cooperation that we received was outstanding and shows a high level of commitment on the part of all stakeholders in improving our criminal justice and correctional systems and practices.

It is with pleasure that the Committee submits this Final Report.













## SYSTEM FINDINGS AND RECOMMENDATIONS

After issuing its Interim Report in 2005, the CAAC met regularly to address on-going issues, with the following given the highest priority:

1. Pretrial case processing,
2. Sentencing practices, and
3. Funding of jails and community corrections

This section of the report includes a series of findings and recommendations focused on these three topics.

In addition, this section also includes an update on the following topics from the Interim Report:

1. Use of technology,
2. Inmate transportation, and
3. Medical care.





















































Recommendations for change, or even legislation authorizing change, are insufficient to create change without a structure and commitment that can cause meaningful results.

7. **In reviewing Maine’s decentralized system, there are a number of examples of good programs and practices in individual counties and within the state system as well.** These practices should be shared statewide and should be supported in their implementation.



## REFORM MAINE'S BAIL SYSTEM

Maine's bail system must be reformed to ensure compliance with both the purpose of bail and the defendant's legal and constitutional rights. Revisions to the Maine Bail Code, modification of the standardized conditions of release form, improved access to criminal records, a redesign of the current system for initial pre-conviction bail setting, expansion and restructuring of pretrial services, and implementation of Automated Fingerprint Identification Systems (AFIS) in jails are all necessary to ensure compliance with the law and provide for the most efficient, effective, and just bail system in Maine.

REFORM MAINE'S BAIL SYSTEM				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Revise the bail code to allow for consideration of community safety when setting pre-conviction bail. [PT Rec. 1]	Yes	Minimal/OT	No	3
2. Revise the standardized Conditions of Release form consistent with the Maine Bail Code and U.S. Constitution. [PT Rec. 2]	No	Minimal/OT	No	3
3. Improve access to SBI and NCIC records. [PT Rec. 3]	Unknown	Low/OT Min/OG	No	2,3
4. Implement Automated Fingerprint Identification Systems in jails. [Pretrial (PT) Rec.4]	No	Low to Mod/OG	No	2,3
5. The Maine District Court is encouraged to improve the selection, training, and oversight of bail commissioners. [PT Rec. 5]	Yes	Min/OT	PT1, PT2 (S)	1,3
6. Minimum standards should be developed regarding the information provided to bail commissioners when setting pre-conviction bail [PT Rec. 6]	Yes	Moderate/OG	PT1, PT2 (S)	1,3
7. The current system for bail commissioner compensation should be reformed to remove any financial incentive that could influence bail-setting practices and to ensure that commissioners are adequately compensated for their services in all circumstances. [PT Rec. 7]	Yes	Moderate/OG	PT1, PT2 (S)	1,3
8. Develop and implement a policy to address the release of defendants who are unable to secure the bail fee PT Rec. 8]	Yes	Low/OG	PT1, PT2 (S)	1
9. Expand, restructure and re-engineer pretrial services in a manner that accommodates CCA-related recommendations. [PT Rec. 9]	No	High/OG	PT1, PT2, PT3	1,3
10. Expand pretrial services in order to conduct comprehensive pretrial investigations when bail is likely to be considered.[PT Rec. 10]	No	High/OG	PT1, PT2, PT3	1,3



**INTEGRATE RISK ASSESSMENT INTO CRIMINAL JUSTICE PROCESSING**

Sentencing and related decisions, including the setting of bail, must be tied to offender risk level. To do this, sentencing judges and post sentencing agencies must use a validated risk assessment method that meaningfully differentiates between offenders who are high, moderate, or low risk. Length of supervision and the services provided must be clearly tied to an offender’s risk level. Sentencing judges need to have options at their disposal that are appropriate for the risk level of the offenders being processed.

<b>INTEGRATE RISK AND NEED ASSESSMENTS INTO CRIMINAL JUSTICE PROCESSING</b>				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Conduct pilot project to implement a triage risk assessment level system. [Sentencing Practices (SP) Rec. 1]	No	Low/OT	No	1,2,3
2. Courts imposing split sentences should give weight to the length of the sentence the court might otherwise impose if issuing a sentence of straight incarceration. [SP Rec. 2]	No	Minimal/OG	No	1,3
3. Conduct an evidence-based study of correctional alternatives for individuals sentenced to incarceration for six to 12 months. [SP Rec. 3]	No	Low /OT	No	1,2,3
4. Establish clear, flexible, and informed processes, which serve to align risk assessment results with probation conditions at sentencing, as well as modifications of conditions of probation. [SP Rec. 4]	No	Minimal/OG	SP1 (S)	1,3
5. Charge the MDOC Community Corrections Division with creating a working group to study and develop sanction/treatment alternatives for probation violators. [SP Rec. 5]	No	Low/OG	No	1,3
6. Recommend a measure that makes the MDOC LSI-R risk assessment summary and other assessment results available at the revocation hearing. [SP Rec. 7]	No	Minimal/OG	No	1,2,3
7. Increase the use of adult drug court as a sentencing alternative to jail/prison. [SP Rec. 8]	No	Minimal/OG	No	1,2,3

**ENSURE THE AVAILABILITY OF AN EVIDENCE-BASED  
TREATMENT/SANCTION CONTINUUM**

Judges must have a full range of EBP treatment/sanction options available to them, whether at a bail hearing or at the time of sentencing. Recidivism can be reduced through creating a continuum that does not rely solely on surveillance techniques (electronic monitoring, curfews, increased reporting). A balanced continuum of intermediate steps must include options, which increase the likelihood of compliance in the future.

<b>ENSURE THE AVAILABILITY OF AN EVIDENCE-BASED TREATMENT/SANCTION CONTINUUM</b>				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Develop a continuum of correctional alternatives to respond to probation revocations. [SP Rec. 6]	No	High/OG	No	1,2,3
2. Establish clear policies and incentives that ensure that public dollars invested in correctional programs are evidence-based. Support language in the Community Corrections Act Funding that gives additional incentives to counties that develop programs adhering to evidence-based practices. [CCA 5, SP Rec. 9]	Yes	Minimal	No	1,3
3. Encourage the referral and use of services and/or agencies that use evidence-based practices and treatment models. [SP Rec. 10]	No	Minimal/OG	No	1,3

**DISSEMINATE AND USE EBP INFORMATION IN DECISION MAKING**

The most effective strategy for reducing recidivism is through a comprehensive, system-wide approach to the application of evidence-based practices. Sentencing policy changes alone will not reduce recidivism. Reducing recidivism through evidence-based practices is the key to enhancing public safety and reducing harm to the victims and the community. All relevant stakeholders, including the victims and members of the community, must be knowledgeable about evidence-based practices and understand how they relate to overall public safety goals.

<b>DISSEMINATE AND USE EBP INFORMATION IN DECISION MAKING WHEREEVER APPROPRIATE</b>				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Create a web-based directory of resources and diversion alternatives. [SP Rec. 11]	No	Minimal to Moderate/OG	No	1,2,3
2. Advocate for using the next Sentencing Institute 2007 to promote the dissemination of information and training on evidence-based practices as they relate to sentencing alternatives. [SP Rec. 12]	No	Low to Mod/OT	No	1,2,3

### FACILITATE INTERAGENCY COORDINATION

For a “system” to be truly efficient, it is vital that mechanisms be established whereby all key system participants work in cooperation and coordination and in a manner that optimizes limited resources and results in the most efficient processing of pretrial cases through the criminal justice system. Local criminal justice coordinating councils in conjunction with a statewide council are proven vehicles to facilitate the interagency coordination necessary to ensure the most efficient and effective criminal justice system.

FACILITATE INTERAGENCY COORDINATION				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Review and revise policies related to the use of summonses [PT Rec.16]	No	Minimal/OT	No	3
2. Establish a warrant repository in Cumberland County[PT Rec. 17]	No	Minimal/OT	No	1,2,3
3. Review and revise policies related to victim notification of release[PT Rec. 18]	No	Minimal/OT	No	3
4. Develop and implement minimum jail data collection requirements[PT Rec. 19]	No	Moderate/OG	No	1,2,3
5. Review and revise policies as needed related to probable cause affidavit from law enforcement[PT Rec. 20]	No	Minimal/OT	No	1,3
6. Implement audiovisual devices in each jail that are compatible with the court’s infrastructure, and for initial appearances and other hearings[PT Rec. 21]	No	Moderate/OG	No	1,2
7. Develop and implement a policy that provides guidance to probation officers regarding appropriate responses to violations of probations consistent with evidence-based practices [PT Rec. 22]	No	Minimal/OG	No	1,2,3
8. Each county shall develop or partner with other counties to create a local coordinating council to serve as a systems coordination and problem-solving body. [CCA Rec. 6]	Yes	Minimal/OG	No	1,2
9. Develop and maintain a State Sentencing and Corrections Practices Coordinating Council to work closely with researchers / universities to review ongoing data collection and report to the Legislature annually. [CCA Rec. 7]	Yes	Min to Low/OG	No	1,2,3

**INCREASE FINANCIAL SUPPORT FOR COMMUNITY CORRECTIONS PROGRAMS AND SEPARATE FROM JAIL SUBSIDY**

The CAAC emphasized that funding for community corrections programs should be separated from state subsidies for the on-going operation of county jails. Separating these two funding streams will emphasize the importance of community corrections programs as a means to improve the efficiency and effectiveness of our correctional system. The CAAC also recommends that, on an interim basis, increases in state support for local corrections should be targeted to community corrections programs until the community corrections portion of all state support to local jails and programs reaches a set, higher percentage.

<b>INCREASE FINANCIAL SUPPORT FOR COMMUNITY CORRECTIONS PROGRAMS AND SEPARATE FROM JAIL SUBSIDY</b>				
Recommendation [Rec # in document]	Legislation	Resources	Contingent	Goal
1. Create a Correctional Program Incentive Fund to improve the overall operation of the correctional/criminal justice system through the use of EBP. [Community Corrections Act (CCA) Rec. 1]	Yes	High/OG	No	1,2,3
2. Separate the jail subsidy from community corrections funding and create three distinct funding streams [ CCA Rec. 2]	Yes	High/OG	No	1,2,3
3. Increase community corrections programming funding to a ratio with jail subsidy of 30/70. [CCA Rec. 3]	Yes	High/ OG	Yes	1,2,3
4. Define clear objectives, performance measures, and outcomes for CCA program funding. [CCA Rec.4]	Yes	Minimal	No	1,3

## APPENDIX

### A. Corrections Alternatives Advisory Committee Members

<b>Commissioner Marty Magnusson</b> <b>Co-Chair</b> Maine Department of Corrections	<b>Sheriff Scott Story, Co-Chair</b> Waldo County Representing Maine Sheriffs' Association
Peter Baldacci Chairman, Penobscot County Representing the Maine County Commissioners Association	Ed Barrett City Manager, Bangor Representing Municipalities
Hartwell Dowling Diversion & Rehabilitation Coordinator Representing the Judicial Branch	James Foss Aroostook County Jail Representing Statewide Association of County Jails
Evert Fowle District Attorney Representing Prosecutors	Denise Lord Associate Commissioner Department of Corrections
The Honorable Robert Mullen Deputy Chief Judge Maine District Court	Ralph Nichols Director of Inspections Quality Assurance and Professional Practices Department of Corrections
The Honorable Leigh Saufley Chief Justice Supreme Judicial Court	<i>William Bridgeo*</i> <i>City Manager, Augusta</i> <i>Representing Municipalities</i>
<i>Esther Clenott*</i> <i>Representing Maine County Commissioners Association</i>	<i>The Honorable Robert Clifford*</i> <i>Representing the Supreme Judicial Court</i>
<i>Harold Doughty*</i> <i>Associate Commissioner</i> <i>Department of Corrections</i>	<i>Michael Vitiello*</i> <i>York County Jail</i> <i>Representing Statewide Association of County Jails</i>
<i>Sheriff Mark Westrum*</i> <i>Sagadahoc County</i> <i>Representing Maine Sheriffs' Association</i>	
* alternate	

**B. Subcommittees**

**SENTENCING PRACTICE SUB-COMMITTEE MEMBERS**

<b>Commissioner Michael P. Cantara</b> <b>Chair</b> Maine Department of Public Safety	Neale Adams, Esq. District 8 Aroostook County Courthouse
Nicky Blanchard Coalition to End Domestic Violence	The Honorable Arthur Brennan York County Courthouse
District Attorney Norman Croteau, Esq. District 3 Androscoggin County Courthouse	Senator Bill Diamond Criminal Justice Committee
Harold Doughty Maine Department of Corrections	Hartwell Dowling Maine Judicial Branch
Nancy Downs Adult Community Corrections	Neale Duffett, Esq. Cloutier, Barrett, Clutier & Conley
District Attorney Evert Fowle Kennebec County Courthouse	Denise Giles Victim Advocacy Program Maine Department of Corrections
Chief Philip Harriman Maine Chiefs of Police Association	Marion Hylan-Barr Esq. Office of Policy & Legal Analysis
Denise Lord Maine Department of Corrections	Ralph Nichols Maine Department of Corrections
John Pelletier, Esq. Goodspeed & O'Donnell	Lois Galgay Reckitt Family Crisis Services
Sheriff Glenn Ross Penobscot County Sheriff's Office	District Attorney Geoffrey Rushlau Knox County Courthouse
Elizabeth Ward Saxl Maine Coalition Against Sexual Assault	Robert Schwartz Maine Chiefs Association
William Stokes Office of Attorney General	John Webb, Esq. Nichols & Webb, PA



**C. List of CAAC Meetings**

- August 23, 2005
- September 21
- October 6
- October 17
- November 1
- November 15
- December 16
- December 21
- January 17, 2006
- February 8
- May 25
- June 8
- July 13
- August 2
- August 23
- September 14
- September 27
- October 12
- October 25
- November 16
- November 29
- December 6
- December 14

## D. Committee Objectives

The Corrections Alternatives Advisory Committee’s work was guided by a set of three objectives which the Committee developed early in its work:

1. **Increase Whole System Efficiencies.** The CAAC and involved stakeholders recognized that the Committee’s work needed to look at the whole correctional system – how work gets done between and among state and local components – to see what was driving cost and inefficiencies and how system-wide improvements could address both short-term and long-term resource constraints.
2. **Enhance State and County Coordination.** Historically, the corrections system in Maine has operated as 17 independent organizations: MDOC and the 16 counties. It was immediately apparent to Committee members that better coordination and collaboration was essential to minimize waste and streamline operations. Coordination and collaboration is needed between MDOC and local jails; among local jails and jurisdictions; and between MDOC, jails, and the Court System, including the judicial branch and related court functions.
3. **Appropriately Manage Offenders’ Risk and Needs.** Over the years, a tradition of policies and practices has shaped corrections in Maine, as it has in other states. While some of these have worked well, research shows that the most effective means of managing resources and achieving desired outcomes is to implement policies and practices which have been shown to produce quantifiable, measurable results—otherwise known as “evidence-based policies and practices.” The concept of “Managing Offenders’ Risk and Needs Appropriately” was identified as a key objective because of its foundation in the evidence-based policy and practice work that is shaping the modern field of corrections.

## **E. Strategy for Meeting Objectives**

At the beginning of its work, the CAAC constructed an organizational structure. “Given our objectives,” the Committee asked, “what strategy will best help us to meet them?” At the initial meeting in August 2005, the Committee asked the National Institute of Corrections (NIC), a federal agency within the U.S. Department of Justice, to help facilitate the process and provide technical assistance. Mary Ashton and Phyllis Modley from NIC joined the CAAC in September, bringing expertise and an outside perspective. The Committee also retained Cheryl Gallant as an on-site project manager.

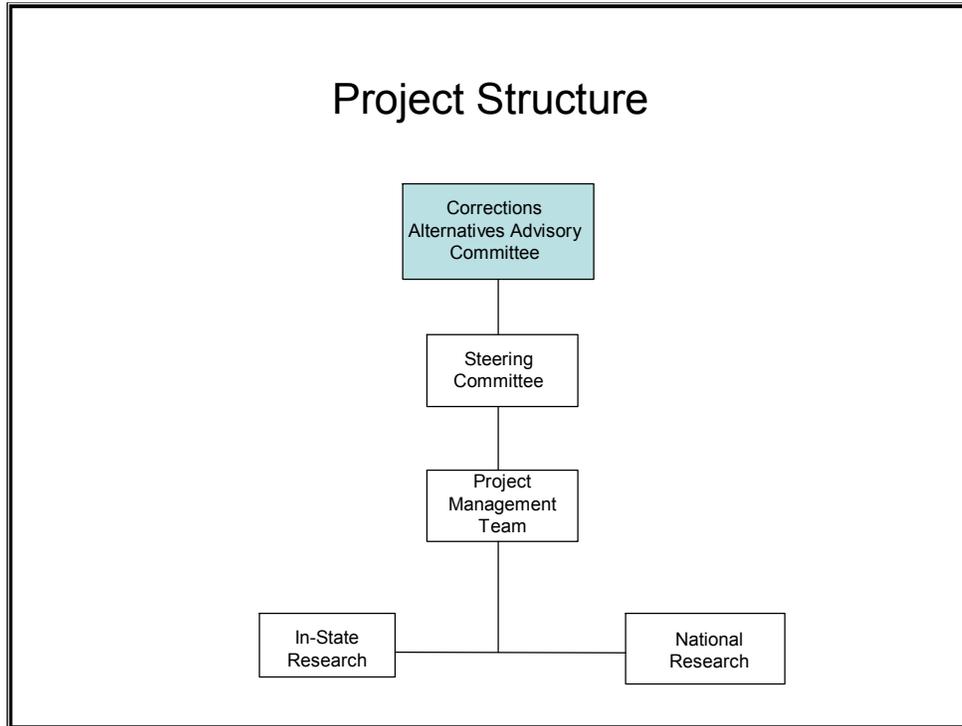
The CAAC articulated a set of “criteria for success,” or principles by which it would conduct itself. These principles included:

- Open thinking and thoughtful process reflecting a willingness to explore ideas and issues from “outside the box”;
- Engaging and educating stakeholders in a way that strengthens knowledge-base, understanding, and ownership;
- Collaboration in regards to process and resources;
- Building on innovations and strengths within the current system;
- Clarity around what we want and need to accomplish – both short term and long term;
- Decision-making based on best available data and evidence-based practice.

During its early meetings, the Committee defined “success” as increasing efficiencies within the whole system, enhancing state and county coordination, and managing offenders appropriately. Recognizing the scope and complexity of its work, the CAAC quickly established a project management team to manage its need for information and analysis. This team included representatives with diverse skills and expertise from a range of organizations:

- Mary Ashton, Program Specialist, National Institute of Corrections
- Bob Bistras, Program Analyst, Maine Office of Geographic Information Systems
- Ron Emerson, Executive Director, Maine Telemedicine Services
- Cheryl Gallant, Project Manager
- Bob Howe, Executive Director, Maine Sheriffs’ Association and Maine County Commissioners Association
- Ralph Nichols, Director of Inspections Quality Assurance and Professional Practices, Maine Department of Corrections
- Christopher Oberg, CORIS Business Analyst, Probation Officer, Dept. of Corrections
- Mark Rubin, Research Associate, Muskie School of Public Service
- Michael Vitiello, Jail Superintendent, York County, Vice President of Maine Jail Administrative Association

The Project Structure model (below) depicts the alignment between the Corrections Alternatives Advisory Committee, the Steering Committee, and the Project Management Team:



After listening to presentations and considering available data, CAAC members shared their perspectives, listened to one another, and often debated from various viewpoints. Open exchange among all members in attendance, not just commentary by a few, characterized most meetings. Decisions were made by consensus. As part of the decision-making process, comments and insights from audience participants were encouraged and taken into consideration.

## F. Stakeholder Input

Early in its process, the CAAC concluded that it needed to view the entire correctional system to receive input from representatives of as many system components as possible. The CAAC reached out to: state and county administrators, judges and prosecutors, law enforcement, parole officers, nonprofit service organizations, victims, and prisoners and their families. The CAAC strove to make research, discussion, and decision-making a collaborative process and with the help of the Project Management Team. Stakeholders were involved through discussion, surveys, one-on-one interviews, and presentations at CAAC meetings. This involvement led to a better understanding of issues and has helped to identify findings and recommendations that represent the ideas and concerns of diverse groups. The CAAC broadcast all meetings widely and encourage attendees to participate, rather than simply observe, the meetings.

Stakeholders involved included representatives from:

- City of Bangor
- Maine Department of Corrections
- Maine Judicial Branch
- Statewide Association of County Commissioners
- Statewide Association of County Jails
- Waldo County Sheriff's Office/Statewide Association of Maine Sheriffs
- Attorney General's Office
- Central Maine Pre-Release Center
- City of Augusta
- Cumberland County Sheriff's Office
- Kennebec County District Attorneys Office
- Kennebec County Sheriff's Office
- Knox County Sheriff's Office
- Maine Association of Criminal Defense
- Maine Board of Medicine
- Maine Coalition Against Sexual Assault
- Maine County Commissioners Association
- Maine Department of Corrections
- Maine Department of Public Safety
- Maine Governmental Relations
- Maine Jail Association
- Maine Judicial Branch
- Maine Municipal Association
- Maine Office of Geographic Systems
- Maine Pretrial Services
- Maine Reentry Network
- Maine Sheriffs; Association
- Maine Telemedicine
- Muskie School of Public Service



## G. Enabling Legislation of the CAAC

### PART J

**Sec. J-1. Corrections Alternatives study.** The Department of Corrections will conduct a study which identifies the cost and benefits and cost savings associated with the alternative corrections service delivery options.

**1. Advisory Committee established.** The Corrections Alternatives Advisory Committee is established to guide the development of the study of corrections service delivery options. The Advisory Committee is not a decision making body, but serves to provide advice and information to the Department of Corrections. The Advisory Committee consists of 8 members appointed as follows:

- a. The Commissioner of the Department of Corrections and two state corrections officials designated by the Commissioner;
- b. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;
- c. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;
- d. A representative of a statewide association of county jails nominated by the association and appointed by the Governor;
- e. A municipal representative appointed by the Governor.

The Governor shall ask the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a member of the Advisory Committee.

The Advisory Committee shall consult with labor unions representing both state and county employees and keep them informed regularly throughout the development of the study.

**2. Appointments; chairs; meetings.** All appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint two co-chairs from among the membership of the committee, one representing the Department of Corrections and one representing county government. The co-chairs shall call and convene the first meeting of the committee no later than 15 days after appointments of all members. The Advisory Committee may meet as often as necessary to accomplish their work

**3. Duties of the Advisory Committee.** The Advisory Committee will oversee the development of a study which identifies the cost and benefits and cost savings associated with alternative corrections service delivery options that may include, but are not limited to:

- a. Improved collaboration between State and County government; and
- b. Regionalization opportunities and cost reductions

Each option will consider cost benefits and cost reductions, improved economies of scale, effective bed space management, appropriate staffing levels, and equal or improved program and service delivery.

Options will be analyzed within the goal of achieving efficiencies and managing the cost of correctional services at both the state and county level. The study will include recommendations which include, but are not limited to:

- a. restructuring of county jails;
- b. a decision making process to approve the construction and financing of new correctional facilities;
- c. criteria for the use of an incentive fund established to further the recommendations of the study; and
- d. the level of state funding of county jails to include the existing funding through the Community Corrections Act and the County Jail Prisoner Support; and
- e. increased funding of cost effective correctional service delivery through the directing of other state revenues to fund the incentive program.

**4. Report.** Interim reports and proposed recommendations will be presented to the Intergovernmental Advisory Group for their review. The Intergovernmental Advisory Group will serve as a forum for soliciting public comment. The Department of Corrections will deliver the results of the final study with recommendations and implementing legislation to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than January 1, 2006. The cost of the study will not exceed \$300,000.

**5. Corrections Incentive Fund recommendation.** The Commissioner of the Department of Corrections will submit legislation establishing a Corrections Incentive Fund to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than February 1, 2006. The purpose of the proposed Corrections Incentive Fund will be to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals which are consistent with the final study recommendations. The legislation will also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the program.













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## **I. Criminal Justice Stakeholder Survey Results**

The Sentencing Practices Subcommittee initiated a survey that was intended to engage multiple and diverse criminal justice stakeholders in the Subcommittee's work and to assist the CAAC in the formulation of its final recommendations. The diverse groups surveyed included judges, prosecutors, defense attorneys, victim advocacy groups, probation officers, sheriffs, jail administrators, police chiefs, state police, and legislators.

The goals of the survey were:

- To gain an understanding of perceptions about the goals of sentencing;
- To evaluate the opinions of criminal justice stakeholders to determine whether they perceive the use of split sentencing to be effective in managing the risk and needs of offenders;
- To determine whether criminal justice stakeholders support the use of alternative sentencing practices;
- To determine which alternative sentencing practices criminal justice stakeholders support and for whom;
- To determine their understanding of EBP practices and policies.

A random sample of 60 participants was selected from each stakeholder group; 141 total responses were received for a response rate of 30.5 percent. Response rates for individual groups were not large enough to allow for statistical testing of subgroup differentials. As a result, the information gathered in this survey should be viewed as anecdotal evidence reflecting the views of 141 criminal justice professionals.

### **Sentencing Goals**

Punishment and specific deterrence were the two reasons respondents most commonly cited for recommending or imposing a sentence that includes a period of incarceration. From a criminal justice policy standpoint, the implications of such a response pattern are noteworthy, given that research has shown that official punishment and deterrence are ineffective in reducing recidivism or in deterring others from committing crimes. Retribution was not seen as an important goal of sentencing. While the majority of respondents agreed with the proposition that they have a role in reducing recidivism, it appears that further education is needed, both in the professional criminal justice community and the community at large, before a policy endorsing a major role for risk reduction in the criminal justice system can serve as a platform for significant system reform.

Although currently not available, risk assessment information was considered valuable in making sentencing decisions. Ninety-three percent (93 percent) of respondents indicated that risk level is an important element of an informed sentencing decision. Only the seriousness of offense, selected by 96 percent of respondents, was ranked as more important. Prior record (77 percent), a static, but highly predictive criminogenic factor, was also viewed as extremely important by judges, defense attorneys, prosecutors, and probation officers. Information on a defendant's educational or vocational experience was viewed as the least important to the sentencing decision.

Respondents indicated that information on the same factors is also important in deciding the lengths of confinement and the probation period. Again, seriousness of offense was considered the most



<b>Support for Correctional Alternatives</b>					
<b>Type of Offense</b>	<b>Strong Support</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Not at all</b>
Driving Offenses including OUI	19.7	44.5	17.5	10.9	7.3
Drug Offenses	16.8	38.7	21.2	16.8	6.6
Sex offenses	5.8	4.4	19	32.1	38.7
Theft crimes	18.8	48.6	18.1	8.7	5.8
Property crimes	13.9	41.6	27.7	10.2	6.6

Respondents were asked, “Would you support a policy in favor of offering correctional alternatives to non-violent offenders?” Judges and defense attorneys were the most likely to support such a policy. While prosecutors were less likely to indicate strong support, they did not portray strong opposition. Only 12 percent of the respondents in the law enforcement group strongly opposed offering correctional alternatives to non-violent offenders.

Defense attorneys offered the most support for diverting low risk offenders from the criminal justice system. Sheriff and jail officials (91 percent) also offered strong support, as did judges, among whom only 8 percent indicated opposition or strong opposition.

When asked the same question, but specifically in respect to high-risk offenders, prosecutors and law enforcement officials reported the most opposition. Probation officers and defense attorneys were more likely to support offering alternatives to high-risk offenders. Overall, however, 65 percent of the respondents indicated that they would support a policy that offers correctional alternatives to high risk, non-violent offenders.

The overall pattern of response seems to indicate that key stakeholders are interested in and supportive of offering correctional alternatives to non-violent offenders. This seems to hold true not only for low risk offenders, but also for those at a higher risk level. As the CAAC discovered, however, a full range of correctional alternatives is currently not available in most, if not all, jurisdictions in Maine.

**Evidence-Based Practices (EBP)**

Thirty-one percent (31 percent) of respondents reported that they are familiar with EBP. A much smaller percentage, however, believe that such practices are being followed or that effective treatment is available. While more than 72 percent of the respondents indicated that they believe effective treatment decreases recidivism, less than 10 percent responded that appropriate treatments are available. Criminal justice stakeholders endorsed the need for mental health treatment, day and or evening reporting centers, halfway houses, and substance abuse treatment.

In order for stakeholders to recommend or make sentencing decisions that include correctional alternatives, they must have confidence in their effectiveness and these alternatives must be available in their community.

Overall, survey respondents are widely supportive of the use of actuarial risk assessment instruments in assessing the suitability of sentencing options, although their use is heavily dependent on how confident criminal justice practitioners are that such options are available, accessible, and effective. Grounded in evidence-based practices, the CAAC would urge Maine’s criminal justice professional community to prioritize correctional treatment options based on how effective they are in meeting the risk and needs associated with individual offenders.

Improvements to Maine’s sentencing and correctional practices must be anchored in changing the attitudes and philosophy of its key participants. This can only be accomplished through education and training on evidence-based practices and by improving the availability and effectiveness of treatment options.

## J. List of Studies and Presentations

- “Adult Community Services: An Overview of Maine’s Probation and Parole System,” Chris Oberg, Maine DOC
- “Advancing Technological Initiatives: An overview of current initiatives and future opportunities,” Dave Packard, Maine DOC
- “Benefits of an Integrated CORIS Model across Maine,” Dave Packard, Maine DOC
- “County Community Corrections Act 1987 to 2005,” Bob Howe, State Sheriff’s Association and County Commissioners Association, Ralph Nichols, Maine DOC
- “County Jail Medical Services,” Kathy Plante
- “County Jail Pretrial Population Study”
- “County Jail Transport Survey”
- “Evidence-Based Practices: A Framework for Sentencing Policy,” Sentencing Subcommittee, Rosemary Kooy, Crime and Justice Institute
- “GIS,” Bob Bistras
- “Improving the Quality and Value of Health Care in the Maine Prison and Jail System,” Renee Kanan, M.D., MPH
- “Maine County Jail & Maine Department of Corrections Inmate Population Data 1985 to 2004,” Ralph Nichols, Maine DOC
- “Maine Judicial Video Project”
- “Maine Prison and Jail Population Projections,” Rod Miller, CIS
- “MDOC Adult Facilities & County Present Cost,” Bob Howe, State Sheriff’s Association and County Commissioners Association & Ralph Nichols, Maine DOC
- “National Models of Problem-Solving Courts”
- “NIC Research in Maine,” Lisa Nash
- “Pioneering Creative Responses to Meet Individual and Community Needs,” June Koegel, Volunteers of America Northern New England
- “Population, Crime and Arrest Trends,” Mark Rubin, USM
- “Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness,” Marie Van Nostrand
- “Proposed Study of Maine’s Pretrial Process,” Marie Van Nostrand
- “State & County Correctional System Roles & Responsibilities 1975 to Present,” Ralph Nichols, Maine DOC
- “A Systems Approach to Improving Efficiencies and Cost-Effectiveness in Correctional Health Care,” Renee Kanan, M.D., MPH
- “Sentence Individualization and Diversion, Maine Judicial Branch,” Chief Justice Leigh Ingalls Saufley Hartwell Dowling, Diversion and Rehabilitation Coordinator
- “Telehealth in Corrections,” Ron Emerson, Maine Telemedicine Services of HealthWays
- “Volunteers of America Adult Justice Programs,” June Koegel
- “What Works and What Doesn’t in Reducing Recidivism: The Principles of Effective Intervention,” Edward J. Latessa, Ph.D.