

9/20/13 Study Commission of the Board of Corrections

10am-1pm at AMHI DRAFT

Name (members)	Title	Organization
David Flanagan	Chair	
Captain Marsha Alexander	Jail Administrators	Kennebec County
Bob Devlin	County Manager	Kennebec County
John Lebel	Jail Administrators	Androscoggin County
Greg Zinser	County Manager	York County
James Cloutier	County Commissioner	Cumberland County
Joel Merry	Sheriff	Sagadahoc County, Sheriff's Assn.
Joseph Ponte	DOC Commissioner	Department of Corrections
Lawrence (Max) Dawson	County Commissioner	Sagadahoc County
Mark Westrum	BOC Designee	Two Bridges Regional Jail, Chair of BOC, President of Maine Jail Administrators' Association
Maurice Ouellette	Sheriff	York County, VP of Sheriff's Assn.
Peter Baldacci	County Commissioner	Penobscot County
Peter Crichton	County Manager	Cumberland County
Rep. Aaron Frey	Representative	Legislature. Represents Bangor, Orono, Veazie, on Appropriations Committee, defense attorney.
Sen. Pat Flood	Senator	Legislature. From Winthrop, on Appropriations Committee.
Others Present		
Bill Whitten	Chief of Staff	Cumberland County
Elizabeth Trice	Deputy Chief of Staff	Cumberland County
Bill Brown	Staff	Budget and Policy for Speaker of the House
Alysia Melnick	Legal Staff	Legal and Policy Counsel for Speaker of the House
Mary Ann Lynch		
Ted Potter	Senior Policy Advisor	Office of the Senate President
Lynda Quinn	Commissioner, (interested party)	Somerset County
Darrell Crandall	Chief Deputy (Interested Party)	Aroostook County
Diana Youngblood	Financial Analyst	BOC
Jane Tower	Executive Associate	BOC

Chair Flanagan asks members to introduce themselves and state what they hope to see come out of the process.

Rep Fray: Hopes to see community corrections be more effective and efficient.

Mark Westrum: Finally get board to a place to fulfill mission and goals of BOC and not be bogged down with budgetary issues.

Pat Flood. Create better understanding between jails and funders

John Label: BOC was created at 11th hour; concerned that task force is another 11th hour activity. The BOC needs the authority to manage the operation, and it's not clear right now who holds that authority. There's also misinformation regarding jails not wanting to cooperate.

Max Dawson: Wants to make a system that actually works and is based on

Joel Merry: Represents Sheriff's Assn.

Maurice Ouellete: Wants to maintain high level of professionalism, "make the bad things go away" and make system operational so I don't have to worry where the next dollar is coming from.

Greg Zinzer: Wants to work with everyone.

Peter Crichton: BOC needs more authority, more standardized practices and policies

Joe Ponte: Deliver an effective & efficient system

Peter Baldacci; Need to address trust and respect between levels of government.

Bob Devlin: administrator for Kennebec county.

Marsha Alexander: wants to identify funding, clarify authority, fulfill mission of BOC, let jail administrators get back to reducing recidivism, providing appropriate programming

Jim Cloutier: Everyone has great ideas about how to spend someone else's money; lines of authority and responsibility are different than the budgeting process.

Flanagan: I don't have a dog in this fight, represent no-one except perhaps taxpayers. Want to create high quality report and recommendations that can pass the legislature, look at the situation comprehensively, and help improve the process. Will be fair and neutral.

Introduces Bill Whitten, assistant county manager, acting as Chief of Staff.

Elizabeth Trice, Grants & Special Projects Coordinator, deputy chief of staff.

To the question whether this is Cumberland County centric- anyone else who wants to donate staff, we will happily accept the help. Staff from legislature are also present.:

Others present: Alisia Melnick from the speaker's office will be helping us, and Bill Brown will be providing financial information.

Mary Ann Lynch: legal council to legislative?? branch. Spent 4-5 years on Cumberland County budget committee. It's interesting when maine created unified court system , it left the county buildings in the county budget, and we've continued to wrestle with that.

Ted Potter – from Justin Alford's office – Bill Blood's counterpart

Randall – Aroostook county

Diana Youngblood – financial analyst

Linda Quinn- Somerset county commissioner
Rosemary Kulow: ED for Maine County Commissioners' Association.

Flanagan:

Meeting will be conducted as open meetings with open discussion, public access, and public input. We have access to conference phone in case a member can't make a meeting. It's a less effective way of communicating.

There is also internet streaming of proceedings.

Challenging Mandate

To come up with recommendations & legislation to address the problems & realize the potential of the county-level corrections system when

i. The GDP of Maine is relatively flat, with the costs of health care are taking the lion's share of available state revenues, squeezing out funds for other essential services, including corrections, at an increasing pace.

ii. Demands on the criminal justice system are growing

iii. The population dynamics of the state are shifting rapidly

b. if these pressures were not enough, our task is further complicated by

i. the reality of dozens of complicated issues within corrections, from rural to urban & increasingly older

ii. The reality of several interested constituencies with a ranging from, mental health treatment and recidivism to software and coordination within the court system legitimate stake in the future of the system, including

1. County Commissioners
2. Sheriffs
3. Jail Administrators
4. The Judiciary
5. DAs and AG
6. Defense Council
7. Police Forces
8. MMA
9. Mental Health practitioners
10. inmate advocates
11. civil rights organizations
12. the appropriations and criminal justice committee
13. The DOC & the governor
14. The BOC
15. Maine Taxpayers

3. The situation is further complicated by the existence of an urgent budget problem as

there does not appear to be sufficient funding in the FY 2014 budget to carry through the whole year at the current rate of spending, an issue which will be addressed later by Col.

4. And if that weren't enough, we are confronting a governance model with the BOC which satisfies no one.

5. Finally, you are all aware that there is a deep legislature disaster farther with the ?? of the BOC and its budgeting capacity. All in all , it adds up to a true Rubik's cube of problems.

That's why the speaker and the President wanted to assemble a group that is up to tackling this formidable set of problems. Congratulations!

So, How do we Proceed?

a. Open discussion, fair deliberations. As Ellsworth American editorialized on July 25 "Members of the TF should approach their assignment with open minds & no preconceived notions."

b. Fact-based, fair hearing

c. Evaluation the root causes of problems

d. Looking to best practices elsewhere

e. Start by:

i. Defining the problem

ii. Identifying the issues, and

iii. Creating a vision

f. with special concentration on

i. renewing the pros and cons of alternative governance models

ii. identifying opportunities for savings & efficiencies

Use the 6 meetings to review facts, provide an opportunity for constituencies & the public to present views & discuss direction.

I hope every member will be able to look back on service on this committee or its staff as a highlight of his career & an experience you can point to with pride.

Even though it's a challenging agenda, Maine is a small relatively homogeneous State with criminal activity at reasonably manageable levels, and we should be able to accomplish at least as much as the other 49 states in terms of governance and efficiency. This is doable.

And it must be done, a path forward must be found – we cannot spend to our hearts content, and we cannot indiscriminately open the prison gates.

I look forward to working with you to achieve a successful result consisting of a consensus

among this committee of

- i. Rellistic recommendations
- ii. Clear legislative reforms
- iii. A decent respect for the taxpayers of the state

Review of history by Bob Devlin:

Distributes 5 page history of how we got here.

Also distributes 2008 memo

(attached in online meeting folder)

Westrum:

- We have \$89M industry; \$55M are tied up in salaries, which BOC has no control over. Some counties have no raises, some have up to 9% increases (unions). Some counties dip into their reserve funds to satisfy labor obligations.
- Now there's no extra carry-over money to use.
- 1st and 2nd quarter payments went out with expectations that counties would spend wisely.
- Because there is no inverse debt money, we are dipping into our savings.
- Infrastructure is crumbling around us, and it will take money to keep them going.
- The jails with mission changes pay into the investment fund. All of their budgets have continued to increase. So there is less money from mission-change jails coming into the investment fund.
- The legislature has done a pretty decent job at trying to make up the difference but could do better.
- We could help jails find efficiencies.
- Somerset is not currently part of the system (not accepting inmates), is creating burden for other jails.
- Revenues are down, costs are up.
- CCA funding was based on inmate population from 20 years ago.
- There's only 25% available in each of the next two quarters to distribute to counties. That's a crisis.
- My biggest fear about operating my own facility. . . my population this morning is 176, 100 of those are coming from out of county. . . come January, if I'm only going to get 25% funding, I don't know how to pay for operations.

Flanagan:

We need to have at least one session on working out the legislation, and at least one session on a public hearing.

Everyone here is a veteran of working on state issues; we have put together a list of ground rules: (attached in online folder_

Thank you for submitting your thoughts on problems and objectives.

We've attempted to distill these issues down to a handful, and will set up interdisciplinary teams to start talking about how to address these issues.

Believes that current funding crisis will not be resolved unless we address the other issues.

Westrum: We need to give strong consideration to funding. It's going to be tough in January to be a flagship jail and accept inmates into the season.

We've seen 75% of our population trend towards pre-trial – this is new.

When the governor says if it comes to educating elderly and schools vs jails, he's going to fund elderly & schools first. But many of our inmates came from the de-institutionalization of the mental health institutions.

Discussion of how much to focus on short-term vs long-term issues.

Assignment of problems & objectives to small groups (in online folder)

Meeting Schedule

1. intro, create plan
2. Public hearing
3. Subgroups report out on how to start to move forward
4. work on solutions
5. crafting legislation

Data requests:

Devlin wants to see annual debt payments per county.

Zinzer would like to know some of the assumptions in some specific spreadsheets

Flood: Believes that many issues here may be lack of communication between funders and jails.

Zinser " has concerns about current legislation that is being developed that may be at cross purposes to task force. Bill responds that Senator X put in a placeholder bill, but plans to pull it if the task force comes up with a good plan.

Flanagan: legislators are welcome to come and share their perspective at our meetings.

Baldacci: problem has been that many on the criminal justice committee can't remember how this came to be; they ask " you're coming back for more money? I thought we solved that." The promise was to slow the growth of corrections, which has occurred.

Previous BOC chair Duffet didn't want legislature to see dissent within counties, so presented simplified view to legislature. More communication is necessary.

Cloutier: municipalities had a huge relief when they learned that the county tax for jails wouldn't

be going up every year. Municipalities believed that the state was taking financial responsibility for the jail which was understood to be large and growing, where the state thought the opportunity for savings was so large that money wouldn't be a problem.

Ouellette: there are so many variables that happen every day at a jail that jails and BOC can't foresee. Example: Two kids get arrested in the middle of the night. I have to book them. State police did warrant sweep, I had 100 arrests come through in 2-3 weeks. It takes staff and time to accommodate that.

When a police department gets a mental health call, police have to respond right away; law enforcement says "ok disorderly conduct, take them to the jail, done."

We don't have any control over these things.

I'd rather spend the majority of my time developing programs than worrying about budgets.

I have a capacity of 200, but I have 220, with an empty pod which I had to close for budget reasons, and I have 109 people out on pre-trial. What would I do if I had to accommodate them? Give the BOC the authority to get us back on track.

Merry: there have been very innovative ideas by sheriffs to reduce recidivism, but they carry costs- we need to acknowledge that. Some of us have new efficient facilities that can manage 200 inmates with 15-20 staff. Some facilities need 15-20 staff to manage 75 inmates. No one standard will fit all.

There were originally variances for jails to have more inmates than their capacity. Those variances have been taken away.

Flanagan: wasn't there an effort to have jails specialize?

Merry: they never carried through with that. I think the transportation hub is working well. But when you move inmates, you're moving them away from their families, their services, and their right to counsel.

Flanagan: we are rural, but not the most rural. How are other rural states handling it?

Cloutier: you can't cut back on the soft programs that keep people out of the jail

Berry: and you can't but back on health and safety.

Alexander: when you displace inmates away from their families and physicians, they get separated from their support systems, and you get more assaults, mental breakdowns, and medical issues.

Flood: In case the memo from Hill & Rotundo (attached in meeting folder) bothered anyone, you should know they are trying to do the right thing.

Westrum: this isn't all about money, it's also about management, and at the end of the day, even

though there may be some efficiencies, it's not enough to keep the current system afloat in this way.

Adjourned at 12:48.