

8-21-2011

# Reinventing Maine's Corrections System: A Survey of Budget Smart Alternatives to Unsustainable Spending

Griffin Jones

Follow this and additional works at: [http://digitalcommons.usm.maine.edu/muskie\\_capstones](http://digitalcommons.usm.maine.edu/muskie_capstones)



Part of the [Public Affairs, Public Policy and Public Administration Commons](#)

---

## Recommended Citation

Jones, Griffin, "Reinventing Maine's Corrections System: A Survey of Budget Smart Alternatives to Unsustainable Spending" (2011). *Muskie School Capstones*. 40.

[http://digitalcommons.usm.maine.edu/muskie\\_capstones/40](http://digitalcommons.usm.maine.edu/muskie_capstones/40)

This Capstone is brought to you for free and open access by the Student Scholarship at USM Digital Commons. It has been accepted for inclusion in Muskie School Capstones by an authorized administrator of USM Digital Commons. For more information, please contact [jessica.c.hovey@maine.edu](mailto:jessica.c.hovey@maine.edu).

**Reinventing Maine's Corrections System: a Survey of Budget-Smart Alternatives to  
Unsustainable Spending**

Griffin Jones

August 21, 2011

Professor Josie LaPlante, Advisor

## Table of Contents

	Page
<b>I. Introduction</b>	<b>3</b>
a. The “Tough on Crime” 1990’s	3
b. “Tough on Crime” in Maine	6
<b>II. Corrections Budget Crisis</b>	<b>7</b>
<b>III. Drivers of Corrections Spending</b>	<b>7</b>
a. Health Care	8
b. Graying Population	8
c. Pretrial Case Processing	10
d. Recidivism	11
<b>IX. Incarceration Alternatives – Nationally</b>	<b>12</b>
<b>V. Incarceration Alternatives – In Maine</b>	<b>13</b>
a. Pre-Trial Sentencing	13
b. Risk Assessment	13
c. Resource Pooling	14
d. Justice Reinvestment	15
e. Problem-Solving Courts	16
f. Probation Reform	17
<b>VI. Indirect Factors in Corrections Spending</b>	<b>18</b>
<b>VII. Conclusion</b>	<b>23</b>
<b><i>Works Cited</i></b>	<b>24</b>

## **I. Introduction**

After the recent Great Recession of 2008, state budgets are facing increased scrutiny in every area of spending. States are increasingly turning to corrections spending, as one such area, to look for efficiencies and innovations that will help relieve fiscal stress, while also maintaining the strict judicial and safety standards expected by the public. However, state corrections systems are coming out of an imprisonment “binge” during what was often referred to as the “Tough on Crime” nineties, and without intervention in the form of smarter, more effective strategies, further uncontrolled growth in the corrections system will prove untenable to the State of Maine.

This paper will first explore the historical factors leading to the current precipitous decision point facing state corrections systems, followed by a summary of current budgetary conditions. It will, finally, examine the success of a number of budgeting and spending alternatives already in place in state corrections systems across the country, and their applicability to Maine’s particular situation.

### **a. The “Tough on Crime” 1990’s**

Extensive empirical research has shown that imprisonment, except in rare cases, does not actually enhance public safety. “Prisons undoubtedly do three things,” Elsa Chen and her colleagues explain in their thoughtful 2001 study on trends in corrections spending: “First, they provide a dumping ground for unwanted people. Second, following the ancient image of justice as a scale, they subject convicts to surroundings whose harshness appears to pay them back for, or ‘balance out,’ their crimes. And, finally, they signify to the public that Something Has Been Done [sic]” (Chen, Turner, Greenwood, & Fain, 2001). Still, “research into the use of

imprisonment over time and in different countries,” say criminologists Norval Morris and David Rothman, “has failed to demonstrate any positive correlation between increasing the rate of imprisonment and reducing the rate of crime” (1995).

Despite all this, the 1990’s saw a cultural shift in the public’s perception of the corrections system that amounted to a “prison binge” in the US; one that didn’t stop until states began to run out of money with which to fuel it. This cultural shift towards harsher, more punitive sentencing measures for criminals was hastened by a confluence of academic publishing trends and political haymaking.

This movement was at least partially spurred forward by two reports from then-Attorney General William P. Barr in the early 90’s. One of the reports, entitled “The Case for More Incarceration,” was released by Barr on October 28, 1992. The report made three basic points: “First, prisons work. Second, we need more of them. Third, inadequate prison space costs money” (Barr, 1992). The Barr reports had both substantive and symbolic impact. Despite subsequent criticisms of them regarding their empirical findings, the statistics and anecdotes contained therein were nonetheless frequently cited in Congressional proceedings regarding the 1994 Violent Crime Control and Law Enforcement Act (or, the 1994 Crime Bill)<sup>1</sup> (Chen, Turner, Greenwood, & Fain, 2001).

Following a series of high-profile acts of violent crime in the early 90’s, the 1994 Crime Bill was the largest crime bill in the history of the US at 356 pages and provided for 200,000 new police officers, \$9.7 billion in funding for prisons and \$6.1 billion in funding for prevention programs (Evolution of a Crime Bill, 1994). This bill represented a hefty increase in spending

---

<sup>1</sup> H.R. 3355, Pub.L. 103-322

and seriousness in responding to crime, and was symbolic of the political aversion to being seen as “soft” on crime (Schiraldi, 2004).

A 2007 study by Stucky et al. demonstrated that partisan politics, economic and racial threats, citizen preferences, fiscal considerations, policy priorities, and crime are important explanations of corrections spending because they affect strategies for maintaining social order, garnering votes, and maintaining political office. At the end of the day, all these played a role in the dramatic increase in American state prison populations during the past three decades (Stucky, Heimer, & Lang, 2007). Said one state Senator from Texas—a state with one of the highest corrections spending rates in the country—“it’s always been safer politically to build the next prison, rather than stop and see whether that’s really the smartest thing to do” (The Pew Center on the States, 2009).

The “get tough” on crime movement’s arsenal included a spate of “Three-Strikes and You’re Out” and Truth-In-Sentencing laws that were attempts to help restore the credibility of the criminal justice system and deter crime. Subsequent analyses, however, have found that while “getting tough” on crime increases incarceration rates, the “Three Strikes” and Truth in Sentencing laws have had very limited national impacts on the volume and composition of correctional populations (Chen, Turner, Greenwood, & Fain, 2001).

Truth in Sentencing requires that certain sentenced offenders (usually violent offenders) spend a fixed percentage of their sentences—usually 85 percent, but sometimes as much as 100 percent, and occasionally less than 85 percent—behind bars (Chen, Turner, Greenwood, & Fain, 2001). These policies are intended to limit the common practice of releasing prisoners as a result of “good time” credits long before their sentences are complete, or freeing them on parole or other types of discretionary release.

**b. “Tough on Crime” in Maine**

A trend toward passage of Truth in Sentencing laws began around 1994. In that year, the federal government offered substantial material incentives to states, as encouragement for passing Truth in Sentencing laws Under-Title 11, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994. As amended, “the Crime Act” funding was authorized by Congress to be used in an effort to increase prison and jail capacity to insure the incapacitation of violent offenders for a substantial proportion of their sentences. The Crime Act included authorizations of about \$10 billion from the federal budget to the states for each of two programs, Violent Offender Incarceration and Truth in Sentencing, from 1995 through 2000 (GAO Report, 1998). The intent of the TIS appropriation was to encourage states to require violent offenders to serve 85% or more of their sentences (Chen, Turner, Greenwood, & Fain, 2001, p. 25).

**Maine S 201 (1995):**

*...Reduces statutory meritorious good time to ensure that the term of imprisonment imposed closely approximates that which will be served. Applies to all crimes and prisoners.*

By Chen’s estimation, these grants were a “key factor” in Maine’s decision to implement TIS laws in the state (2001). As we will see, however, being “tough on crime” can also be tough on the budget.

## **II. Corrections Budget Crisis**

State corrections spending is a controversial and, oftentimes, political battleground that finds itself at the center of a great deal of scrutiny when budgets get tight, as they singularly have over the last three years. A 2009 Pew Center study found that one in every 31 adults, or 7.3 million Americans, is in prison, on parole or probation, at a cost to the states of \$47 billion in 2008. Criminal correction spending, it went on to report, is outpacing budget growth in education, transportation and public assistance (Moore, 2009).

Maine's low incarceration rates serve to diminish economies of scale achieved in states with larger base populations and higher incarceration rates. At \$44,379, Maine had the highest average annual operating per inmate costs of any state in 2001 (Stephan, 2004). And, although the state of Maine continues to have the lowest state prison incarceration rate per capita in the nation (159 inmates per 100,000 residents), from 2006 to 2007, Maine's state prison population grew an estimated 4.6%, continuing the growth trend of recent years. This was the seventh fastest growth in the country, and far surpassed the national average of 1.8% (Maine Statistical Analysis Center, 2009). With this rate predicted to rise another 21% for the next 5 years (The Pew Center on the States, 2009), Maine's corrections spending may not be a problem now, but could certainly become one if the current trends continues.

## **III. Drivers of Corrections Spending**

The drivers behind corrections system costs are too numerous to name, however, recent empirical analysis have identified a select few that can be affected by evidence-based methods. Aimed at increasing efficiency, these innovations would ultimately decrease utilization of states' correctional network, especially in the following areas of spending:



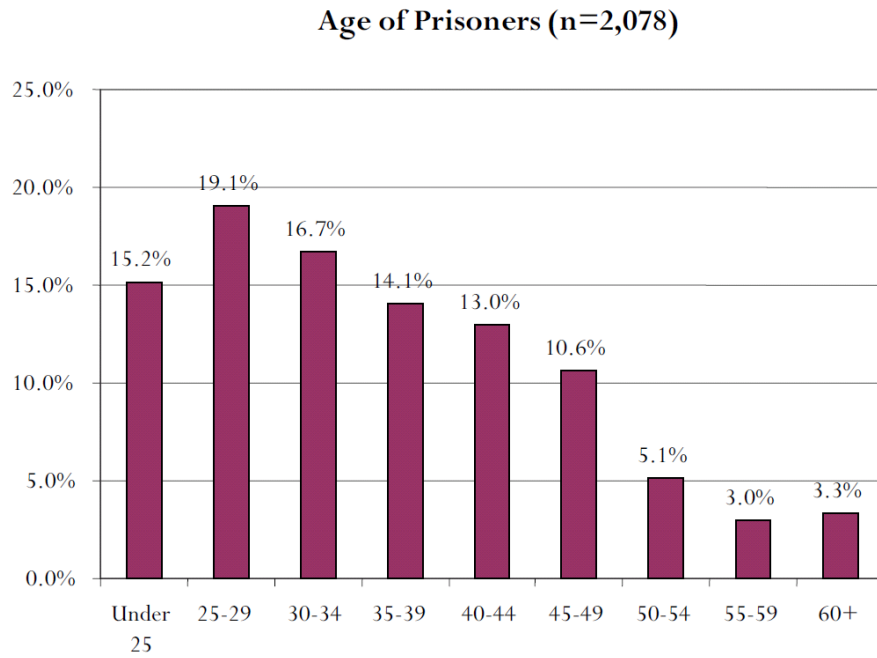
### **a. Health Care**

Medical care is one of the principal cost drivers in corrections budgets today. From 1998 to 2001, healthcare spending in state prisons grew 10 percent annually, a 2004 report by the Council of State Governments found. At the time of the study, medical care costs totaled \$3.7 billion annually and accounted for about 10 percent of correctional spending (Kinsella, 2004). States are compelled to provide a constitutionally adequate level of medical care, or care that generally meets a “community standard” under the 1976 U.S. Supreme Court ruling *Estelle v. Gamble*. Beyond that mandate, the rise in medical outlays stems largely from “mushrooming costs associated with special needs populations, including HIV-positive prisoners and geriatric inmates” (The Pew Center on the States, 2009).

### **b. Graying Population**

Aging inmates is another factor, entirely, compounding this rising tide of the costs of incarceration. Aging brings a host of new challenges in a prison setting, including many medical, behavioral and social problems that complicate population management to the point of requiring separate housing and special treatment. In the federal prisons, for example, about one-quarter of the population was over 50 in 1989. By 2010, that proportion is forecast to grow to one-third (The Pew Center on the States, 2009). Maine’s particular inmate composition is slightly younger, but aging no less quickly: Comparing figures one and two, below, inmates over the age of 50 represented 11.4% of Maine’s total inmate population in 2004. This number grew to 14% only four years later, suggesting a quickly growing population of inmates with more intensive living requirements.

**Figure 1: 2004 Maine Prison Inmate Population (by age)<sup>2</sup>**



**Figure 2: 2008 Maine Prison Inmate Population (by age)<sup>3</sup>:**



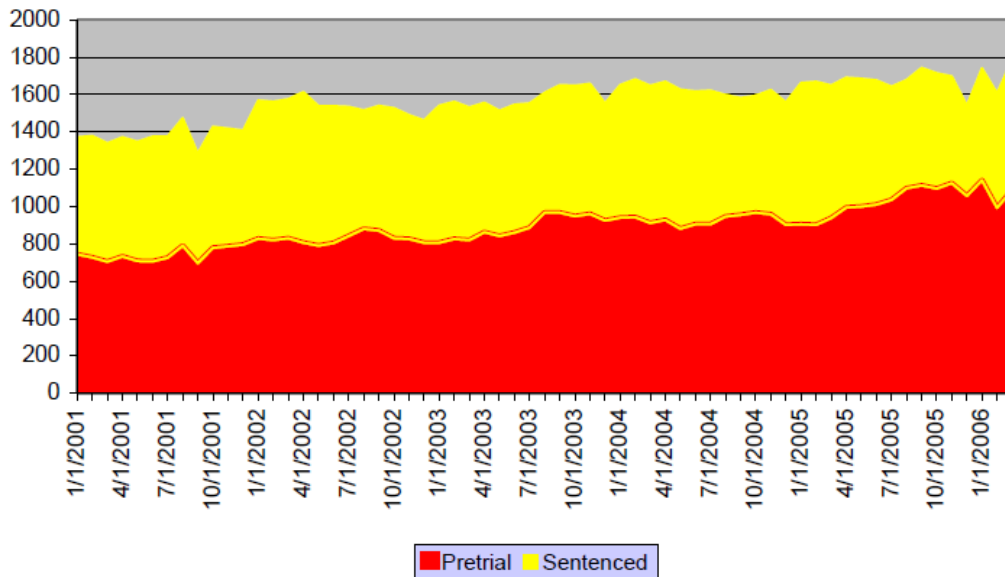
<sup>2</sup> (Rubin, 2005)

<sup>3</sup> (Maine Statistical Analysis Center, 2009)

### c. Pretrial Case Processing

Delays in court appointed counsel can result in the unnecessary detention of pretrial defendants due to delayed requests for bail reviews and, in some cases, delayed trials (VanNostrand, 2006, p. 156). Maine's Corrections Alternatives Advisory Committee (CAAC) found that the average length of stay (65 days) for those pretrial defendants in a majority of Maine jails is more than three times higher than those in other states (Final Report of the Corrections Alternatives Advisory Committee, 2006). Figure 3 of Maine's inmate population in county jails by case status, below, illustrates the already high, and still-growing levels of pretrial detainees in Maine's jails, compared to the sentenced population.

*Figure 3: 2006 Maine County Jails ADP by Case Status, 2001-2006<sup>4</sup>*



<sup>4</sup> (VanNostrand, 2006)

Admissions to county jails have increased dramatically, up 42 percent from 30,743 in 1990 to 43,519 in 2004. For every inmate admitted to a county jail to serve a sentence, seven defendants are admitted for pretrial detention (Corrections Alternatives Advisory Committee, 2006).

**d. Recidivism**

Overall, 58.1% of prisoners released from Maine prisons in 2004 had already been re-incarcerated by 2008. Of the 966 offenders released from prison in 2004, 561 had been returned to prison by May 2008 (Maine Statistical Analysis Center, 2009). The Bureau of Justice Statistics has found a nearly identical trend, in that of the nearly 650,000 offenders released into the community, two-thirds will be convicted of a new crime within three years (Langan & Levin, 2002). Reducing rates of recidivism will be vital in ultimately reducing days spent in prison by re-offenders. Figure 4, below, illustrates the steep continuum of recidivism risk by risk level cohort:

***Figure 4: One-Year Recidivism Rates for Maine Prisons by Risk Category and Cohort<sup>5</sup>***

	2004		2005		2006	
Risk Level	N	%	N	%	N	%
Administrative	85	10.1%	51	10.5%	34	8.6%
Low	48	29.3%	45	22.5%	114	20.4%
Moderate	574	22.0%	437	23.2%	385	24.1%
High	139	33.8%	121	36.7%	187	43.7%
Maximum	18	48.6%	25	48.1%	34	53.1%
Total	864	21.3%	679	23.0%	754	24.8%

<sup>5</sup> (Maine Statistical Analysis Center, 2009)

#### **IV. Incarceration Alternatives – Nationally**

States have shown a bias for prison spending even though it is much cheaper to monitor convicts in community programs, including probation and parole, which require offenders to report to law enforcement officers. A 2009 survey of 34 states found that states spent an average of \$29,000 a year on prisoners, compared with \$1,250 on probationers and \$2,750 on parolees. The study found, furthermore, that “despite more spending on prisons, recidivism rates remained largely unchanged” (Moore, 2009).

With average daily costs of incarceration more than seven times higher than other sentencing options (Gramlich, 2009), alternatives to incarceration—or, any kind of punishment other than time in prison or jail that can be given to a person who commits a crime—are finding a new place in the toolkit of state correctional systems (Families Against Mandatory Minimums, 2011).

Over the past decade, hundreds of experimental courts have sprung up across the country, to deal with problems like substance abuse and domestic violence (Corrections Alternatives Advisory Committee, 2006). These "problem-solving courts" include specialized drug courts, domestic violence courts, family treatment courts, mental health courts, re-entry courts and others. Each of these initiatives targets a different problem, but seek to use the authority of courts to improve outcomes for victims and defendants. In the process, the focus of the system shifts from the simple processing of cases to achieving tangible results like recidivism reduction, safer streets and stronger families (Families Against Mandatory Minimums, 2011). This amounts to a significant departure from the traditional court model.

## **V. Incarceration Alternatives - In Maine**

Maine has recently made its own forays into incarceration alternatives, but must look to other states' examples and take more widespread action if efficiencies are to be found.

### **a. Pre-Trial Sentencing**

The increasing average length of stay (ALOS) for pretrial offenders in Maine jails is one of the major factors contributing to the increase in county jail population, and thus, costs (Maine Statistical Analysis Center, 2009). In their Final Report, the CAAC identified changes in the bail code and pre-trial processes as essential elements to reducing county jail totals. Further examination of processing delays in bail adjudication and court appointed attorneys is warranted in order to minimize the ALOS for pretrial offenders.

### **b. Risk Assessment**

Over the last four years, the Maine Department of Corrections introduced a risk assessment instrument, the Level of Service Inventory-Revised (LSI-R) and case planning to its management of probationers to help reduce the likelihood of an offender recidivating (or re-offending). The decision to manage its probation caseload by assessing risk helped Maine create a system that more accurately measures the likelihood an offender will re-offend. It also provides a framework to implement effective interventions to reduce recidivism (Maine Statistical Analysis Center, 2009). These types of analyses help examine the impact of different sentences on offender outcomes in order to identify best practices. It was through this type of research, for example, that split-sentencing in Maine was identified as working only on high risk offenders; lower risk offenders receiving a split sentence were more likely to recidivate than

those on straight probation (Rocque & Rubin, 2009). Understanding the most cost-efficient (in terms of fiscal and criminal justice policy) manner in which to use incarceration should remain a high priority for the state of Maine.

### **c. Resource Pooling**

In 2008, Maine's state Legislature established a State Board of Corrections (BOC) with substantial oversight and authority of the task of unifying Maine's correctional system, and a State Sentencing and Corrections Practices Council, to assist the BOC with policy recommendations for best correctional practices. Undoubtedly, unification of the fragmented and unwieldy county corrections departments has the potential for great economies of scale (due to the small size of the currently disparate independent prisons and jails sprinkled throughout the state), and thus, significant savings. Especially where health care and special population management are concerned, collectivizing the needs of Maine's prison system will allow heretofore unachievable economies of scale (through centralization) and increased purchasing power (for prescription drugs and complex healthcare services).

Whether the BOC and CPC will be able to make the sometimes-hard choices necessary to consolidate prudently is the real trick. Indeed, starting in the Fall of 2008, the Board began developing a restructuring plan and capital construction strategies in order to, they say, "increase the state's capacity to identify more effective means of reducing the recidivism rate, [through which] the costs of the new state-wide system will be reduced, and the savings redirected to urgently needed community corrections alternatives" (Maine Statistical Analysis Center, 2009).

#### **d. Justice Reinvestment**

An old concept with a new name, Justice Reinvestment describes an initiative where policy makers working with researchers identify the state and local policies that are driving prison growth, and then use sophisticated modeling techniques to forecast the impact of various policy changes on the prison population and on the costs. By taking a science-based approach, justice reinvestment helps ask a critical question: “By reallocating funds from our most expensive correctional tool (prisons) to a portfolio of alternatives (mandatory community supervision, drug courts, HOPE Probation), can we get more public safety with fewer dollars?” (Gelb, 2010).

By utilizing a justice reinvestment approach, even especially prison-heavy states like Texas have been able to see savings in their corrections system: by diverting a quarter of a billion dollars from a foregone billion dollar prison building project into a network of community-based and residential programs, Texas has reduced its prison population, crime rate, and has saved \$210 million over the following two years (Council of State Governments Justice Center, 2010). Anchoring their approach was a broad changes in parole practices, and dramatic expansion of drug treatment and diversion beds, many of them in secure facilities; all what amounted to a virtual makeover of the state correctional system through justice reinvestment.

Justice reinvestment marries firm analytic concepts with a bipartisan, multi-branch approach that functions under the premise that “prisons are a government spending program, and just like any other government program, they should be put to the cost-benefit test” (Gelb, 2010)



### **e. Problem-Solving Courts**

A recent survey by the Maine Civil Liberties Union found that nearly 60 percent of the inmates reported they had a substance abuse problem and 39 percent described themselves as suffering from a mental illness. Moreover, 25 percent of Maine inmates are reported to be in mental health therapy or counseling programs (Maine Civil Liberties Union, 2004). The Maine Judicial Branch is leading a series of new initiatives that are changing how the courts handle special cases. There are currently three different types of problem solving courts in use in various counties throughout the state; Drug Treatment Courts, Domestic Violence Case Coordination Projects, and Co-occurring Disorders (such as Mental Illness and Substance Abuse) Court—all of which deploy a comprehensive, collaborative, multi-disciplinary approach to addressing the needs of defendants/offenders appearing before the courts (Anspach, Ferguson, & Phillips, 2004). Mental Health and Criminal Justice courts would provide judicial supervision—including periodic review—over offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders that are charged with misdemeanors and/or nonviolent offenses (Rubin, 2005), and have already provided programmatic success and cost savings for both juveniles and adults supported through Maine’s drug courts (Anspach, Ferguson, & Phillips, 2004).

Furthermore, revising policies related to court attorney appointment, Drug Treatment Court admissions, grand jury summoning, and the presence of Lawyers of the Day at initial appearances can all lead to significant efficiency gains in case processing that lead to system-wide cost savings down the road. Additional Maine Judicial Branch resources focused on the “front end” of the system will produce significant improvements in efficiency, effectiveness, and pretrial justice.

## **f. Probation Reform**

In a survey of the literature on evidence-based practices in community corrections, the worsening performance of higher risk probationers is likely due to increased supervision, without adequate service provision aimed at changing offending attitudes and behaviors. In order to successfully address this higher risk population and achieve real reductions in recidivism rates, research suggests smaller caseloads, and the placement of offenders into sufficiently intensive cognitive-behavioral interventions that target their specific needs (Maine Statistical Analysis Center, 2009).

Hawaii's Opportunity Probation with Enforcement (HOPE) program offers one such example of an innovative probation program that has been successful elsewhere. The HOPE program uses the threat of short jail stays (typically starting at a few days, servable on weekends for employed probationers, for the first violation and increasing thereafter, eventually escalating to periods of months in residential treatment) as a disincentive for non-compliance. Treatment is mandated only for those who repeatedly violate probation rules; for other probationers with drug problems it is available, but not required. In a randomized controlled evaluation, HOPE probationers were 55 percent less likely than the control group to be arrested for a new crime; 72 percent less likely to use drugs; 61 percent less likely to skip probation appointments; and use 48 percent less jail and prison space (Gelb, 2010). Alternative probation programs like HOPE probation, can be utilized to address dynamic risk factors that, when addressed or changed, can positively affect the offender's risk for recidivism.

## VI. Indirect Factors in Corrections Spending

A 2009 synthesis of corrections spending studies by John Ellwood and Joshua Guetzkow went further than most research in investigating the question of statistically significant relationships between the cultural factors of a state, and its trends in corrections spending. The study looks at four different categories of independent variables, including socioeconomic, political, criminal, and procedural.

Perhaps even more interesting than what the study confirms, are the correlations the study determines to be insignificant or even counterintuitive. The study confirms the natural assumption that state corrections spending increases with its violent crime and incarceration rates. Personal income and consumer price index are also correlated with corrections spending. The report points out surprisingly, however, that a state's Metropolitan composition and property crime rate are actually negatively associated with corrections spending.

Looking at Figure 5, below, several of the significant relationships from the report become evident, including:

- As one would expect, the level of state spending on corrections is positively associated with state personal income, and significantly associated with the state's incarceration rate
- Corrections spending is significantly associated with the state's incarceration rate, but is inversely (but not significantly) associated with the state's property-crime rate
- State spending on corrections is negatively associated with an index of the degree to which the state's elected officials are from the Democratic Party
- Spending on corrections is correlated significantly to the percentage of the state population that is African American

- The presence of a direct initiative is inversely associated with corrections spending
- Neither the presence of term limits, nor possession of a supermajority voting requirement to enact tax increases are associated significantly with corrections spending

Figure 5: Multivariate analysis of state spending against social factors, 1977 to 1998<sup>6</sup>

*OLS Regressions of Different Levels of State Spending, 1977 to 1998*

	Total Spending	Corrections Spending	Noncorrections Spending
<i>Independent variables—socioeconomic</i>			
State income	0.001* (0.000)	0.000* (0.000)	0.001* (0.000)
State CPI	6.553.087** (1,191.449)	105.58 (101.309)	6,448.030** (1,153,694)
Children (% under 18)	-26.185 (16.997)	-0.989 (0.921)	-25.195 (16.680)
Aged (% over 64)	-15.751 (31.918)	-1.329 (2.477)	-14.422 (30.436)
Black (%)	62.688 (99.210)	9.817* (4.281)	52.871 (95.856)
Metropolitan (%)	2.788 (11.771)	0.202 (0.927)	2.586 (11.226)
Unemployment rate	49.220** (9.976)	0.691 (0.852)	48.529** (10.196)
<i>Independent variables—institutions</i>			
Government ideology	0.729 (0.929)	-0.095 (0.073)	0.824 (0.909)
Citizen ideology	-1.823 (2.948)	0.190 (0.222)	-2.013 (2.865)
Divided government	-38.482 (46.323)	2.017 (4.667)	-40.498 (44.077)
Tax expenditure limit	2.925 (79.285)	5.418 (5.316)	-2.493 (76.914)
Supermajority required for tax increase	-170.221 (137.694)	0.077 (9.872)	-170.298 (129.741)
Direct initiative	252.756** (85.910)	-21.216** (8.401)	273.973** (100.718)
Term limits	-297.575*** (100.508)	-7.861 (8.401)	-289.714*** (100.718)
<i>Independent variables—measures of crime</i>			
Incarceration rate	-0.174 (0.272)	0.118** (0.027)	-0.292 (0.270)
Crime rate (violent)	-566.273* (269.808)	50.819^ (27.630)	-617.092* (258.548)
Crime rate (property)	135.570** (39.450)	-0.658 (4.015)	136.228** (36.785)
Constant	-248.478 (1,287.719)	-26.088 (130.458)	-222.390 (1,242,028)
Observations	1101	1101	1101
R-squared	0.97	0.94	0.97

Note: Robust, clustered socioeconomics are shown under coefficients. All models control for state and year fixed effects and are weighted by state population.  
<sup>^</sup> $p < 0.1$ ; \* $p < 0.5$ ; \*\* $p < 0.01$ .

<sup>6</sup> (Ellwood & Guetzkow, 2009)

Moving beyond the socioeconomic factors influencing corrections spending, Ellwood and Guetzkow turn their scrutiny to the effect budgeting practices, themselves, have on the levels of corrections spending in states. Looking at the changes in budgeting conditions, alone, reveals similarly significant correlations between variables. A 2007 study of the effect of six different budgetary practices in state expenditures illuminates both the recent increased emphasis on fiscal rigor, and the correlations hidden in the data.

Data from Jaime Alderete’s extensive 2007 survey of state budget practices and their effect on trends in spending is illuminating because of its breadth (the study examines all 50 states over 14 years), and the uniqueness of its subject. Figure 6, below, summarizes the number of states implementing any of six budgetary procedures during the study:

**Figure 6: Number of states utilizing respective budgetary practices on spending, 1988 to 2002<sup>7</sup>**

*The Number of States Following Each Budget Practice,  
1988 and 2002*

	1988	2002
Funding targets	22	34
Legislative access to requests	42	30
Performance measurement	8	38
Performance management	8	19
Performance budgeting	8	19
Midsession revisions	19	14

Ellwood and Guetzkow went on to synthesize the data from that 2007 study that examined the quantitative connections between budget practices. Remarkably, two of the six practices studied proved to be significantly correlated, indicating a causal negative relationship between their usage and corrections spending in those states. Figure 7, below, illustrates how the

<sup>7</sup> (Alderete, 2007)

existence of funding targets and performance measurement are associated with statistically significant lower levels of total state corrections spending. In this case, funding targets serve to guide executive branch agencies to adhere to bottom-line budget numbers when developing their budgets before the official budget is finalized and presented. Performance Measurement, as defined in the study, is a strategy wherein government agencies use measures (such as recidivism rates) to benchmark their success in carrying out their missions.

**Figure 7: Correlation of budgetary practices on spending, 1988 to 2002<sup>8</sup>**

**OLS Regression Coefficients for the Presence of Budgetary Practices on the Level of State Spending, 1988 to 2002**

	Total Spending	Corrections Spending	Noncorrections Spending
Funding targets	-51.225 <sup>^</sup> (29.742)	-12.225 <sup>**</sup> (4.096)	-38.999 (28.999)
Legislative access	-36.348 (57.372)	1.352 (3.536)	-37.700 (56.711)
Performance measurement	-47.149 (36.284)	-7.776 <sup>*</sup> (3.361)	-39.373 (35.592)
Performance management	12.830 (38.271)	5.244 (3.728)	7.585 (39.121)
Performance budget	-28.291 (0.860))	4.451 (0.071)	-32.743 (0.832)
Midsession revision	-93.190 <sup>*</sup> (45.522)	-2.335 (5.506)	-90.854 <sup>^</sup> (45.661)

*Note:* Robust, clustered socioeconomics are shown under coefficients. All models control for state and year fixed effects and are weighted by state population. Data are in 2002 per capita dollars.  
<sup>^</sup> $p < 0.1$ ; <sup>\*</sup> $p < 0.5$ ; <sup>\*\*</sup> $p < 0.01$ .

<sup>8</sup> (Ellwood & Guetzkow, 2009)

## **VII. Conclusion**

Maine is already starting to do its part to create internal structures (like the Corrections Alternatives Advisory Committee and the State Board of Corrections) that are empowered to look for innovative improvements to its diffuse patchwork of prisons and jails, and the services it provides both its residents and the public at large whom it serves. This is important because, although small when compared nationally, Maine's spending on corrections is still a significant amount of budget that isn't going towards schools, roads, and other state functions. And, no matter how little, any amount of public funds wasted on inefficient and unnecessary correctional methods is too much.



## Works Cited

- Alderete, J. C. (2007). *Budget Practices and Expenditures: Lessons for California*. San Francisco: Public Policy Institute of California.
- Anspach, D., Ferguson, A. S., & Phillips, L. L. (2004). *Evaluation of Maine's Statewide Juvenile Drug Treatment Court Program*. Gorham, ME: University of Southern Maine Department of Sociology.
- Barr, W. P. (1992). *The Case for More Incarceration*. Washington DC: Office of the United States Attorney General.
- Chen, E., Turner, S., Greenwood, P. W., & Fain, T. (2001). *The Impact of Truth-in-Sentencing and Three Strikes Legislation: Prison Populations, State Budgets, and Crime Rates*. Washington DC: US Department of Justice.
- Corrections Alternatives Advisory Committee. (2006). *Final Report of the Corrections Alternatives Advisory Committee*. Augusta: 123rd Legislature, First Regular Session.
- Council of State Governments Justice Center. (2010). *Facts and Trends*. Retrieved June 28, 2011, from Justice Reinvestment: [http://justicereinvestment.org/facts\\_and\\_trends](http://justicereinvestment.org/facts_and_trends)
- Ellwood, J. W., & Guetzkow, J. (2009). *Footing the Bill: Causes and Consequences of State Spending on Corrections*. New York: The Russell Sage Foundation.
- Evolution of a Crime Bill. (1994, September 5). *Time*, p. 15.
- Families Against Mandatory Minimums. (2011, Jan). *Frequently Asked Questions - Factsheets*. Retrieved June 28, 2011, from Families Against Mandatory Minimums: <http://www.famm.org/GetHelp/FrequentlyAskedQuestionsFAQ.aspx>
- GAO Report. (1998). *Truth In Sentencing: Availability of Federal Grants Influenced Laws in Some States*. Washington DC.
- Gelb, A. (2010). Testimony of Adam Gelb to U.S. House Subcommittee on Crime, Terrorism, and Homeland Security. *The Pew Center on the States*. Washington DC: The Pew Charitable Trusts.
- Gramlich, J. (2009, March 2). Study Finds Disparity in Corrections Spending. *Stateline*.
- Kinsella, C. (2004). Corrections Health Care Costs. *Council of State Governments, Trends Alert, Information for State Decision-Makers*.
- Langan, P., & Levin, D. J. (2002). *Recidivism of Prisoners Released in 1994*. Washington DC: Bureau of Justice Statistics.

Maine Civil Liberties Union. (2004). *The Health Status of Maine's Prison Population: Results of a Survey of Inmates Incarcerated by the Maine Department of Corrections*. Augusta: The Maine Civil Liberties Union.

Maine Statistical Analysis Center. (2009). *Maine Crime and Justice Book 2008*. Portland: USM Muskie School of Public Service.

Moore, S. (2009, March 2). Prison Spending Outpaces All But Medicaid. *The New York Times* .

Morris, N., & Rothman, D. J. (1995). *The Oxford History of the Prison: The Practice of Punishment in Western Society*. New York: Oxford University Press.

Raphael, S., & Stoll, M. A. (2009). *Do Prisons Make Us Safer?: The Benefits and Costs of the Prison Boom*. New York: Russell Sage Foundation.

Rocque, M. A., & Rubin, M. (2009). *Probation and Split-Sentencing in Maine*. Portland: National Institute of Corrections.

Rubin, M. (2005). *The 2004 Maine Crime and Justice Data Book*. Portland: Maine Criminal Justice Commission.

Schiraldi, V. (2004). Digging Out: As U.S. States Begin to Reduce Prison Use, Can America Turn the Corner on its Imprisonment Binge? *Pace Law Review* , 563.

Stephan, J. J. (2004). *State Prison Expenditures, 2001*. Washington DC: Bureau of Justice Statistics.

Stucky, T. D., Heimer, K., & Lang, J. B. (2007). A Bigger Piece of the Pie? State Corrections Spending and the Politics of Social Order. *Criminal Justice Review* , 472-491.

The Pew Center on the States. (2009). *1 in 100: Behind Bars in America 2008*. The Pew Charitable Trusts.

US Department of Justice, Bureau of Justice Statistics. (1996). *Sourcebook of Criminal Justice Statistics*. Washington DC: US Department of Justice.

VanNostrand, M. (2006). *Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness*. St. Petersburg, FL: Maine Corrections Alternative Advisory Committee.