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## Overcrowding plagues Maine's prison system

By KEVIN WACK, Staff Writer

Portland Press Herald / Maine Sunday Telegram

Friday, February 16, 2007

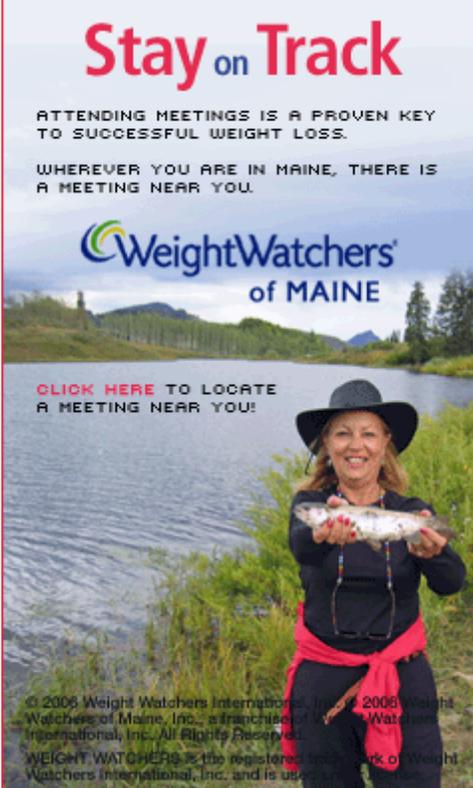
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WINDHAM - Maine has the lowest incarceration rate in the nation, but don't tell that to the 56 women of Cell Block B.



Staff photo by John Patriquin

Excess inmates are forced to use mattresses on the floor at the Maine Correctional Center in Windham. The prison's capacity is 522 inmates, but it's population is 689.



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Staff photo by John Patriquin

This space in Cell Block B of the Maine Correctional Center in Windham was supposed to be used for education programs. But overcrowding has forced the prison to use the area to house six women inmates.

#### **PRISON POPULATIONS**

NUMBERS IN MAINE as of Wednesday (Capacity is based on national accrediting standards):  
Maine Correctional Center, Windham:

Capacity 522, population 689

Maine State Prison, Warren:  
Capacity 922, population 875

Bolduc Correctional Facility,  
Warren: Capacity 150,  
population 214

Charleston Correctional Facility,  
Charleston: Capacity 75,  
population 96

Downeast Correctional Facility,  
Machiasport: Capacity 96,  
population 151

Central Maine Pre-Release,  
Hallowell: Capacity 50,  
population 55

*Source: Maine Department of  
Corrections*

When these women were sentenced, they might have expected to participate in a wide array of rehabilitation programs at the Maine Correctional Center. The Windham prison offers treatment for trauma and substance abuse, in addition to basic education and vocational courses.

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But enrollment at the women's center is capped at 78, and because of chronic overcrowding, officials say, dozens of female inmates spend as much as five months in the dim confines of B block. Their daytime hours, which might be spent in the classroom, are instead spent watching soap operas.

"It's really been disappointing," said Christine Kelley, who manages the prison's five-year-old unit for women. "The judges think that they're getting all this programming, but we can't do it."

Despite Maine's low rates of crime and incarceration, the six prisons operated by the Maine Department of Corrections are about 15 percent over the capacity allowed under national accrediting standards. The problem has been growing slowly, but it burst into public view this week.

On Wednesday, the Pew Charitable Trusts released a report that projects a 21 percent increase in Maine's prison population between 2006 and 2011.

And on Thursday, in a move unrelated to the Pew report, Democrats and Republicans on the Legislature's Criminal Justice Committee held a news conference in Augusta to call public attention to prison overcrowding.

Sen. William Diamond, D-Windham, the committee chairman, said the committee hopes at least to prevent cuts in the Corrections Department's budget by shining a light on the issue.

"We can't just keep tuning it out because it's not convenient," he said.

Gov. John Baldacci has proposed a \$145 million corrections budget for next year. That would be an increase of about \$9 million -- enough money to cover rising costs, according to the Corrections Department, but probably not enough to correct the problem.

Lawmakers haven't made any decisions about what action to take. In interviews, they suggested the possibility of building a new prison, releasing more nonviolent offenders on strict probation conditions, or sending inmates either to out-of-state prisons or to county jails with excess space.

The issue is most apparent at the Windham prison, which was built to hold 522 prisoners but had 689 inmates this week.

In Cell Block B, six female inmates share a cell that was intended to be used as education space. Elsewhere, closets have been converted into cells to find room for a few more inmates. Officials say some female prisoners are being released before they even get access to the rehabilitation programs in the women's center.

"They may spend their entire sentence warehoused," said Rep. Richard Sykes, R-Harrison.

The overcrowding problem in Windham isn't confined to the female population.

The intake area for male prisoners has cells for 92 inmates, but more often than not, that capacity is exceeded, said Superintendent Scott Burnheimer. When that happens, new arrivals are required to sleep on mattresses on a concrete floor in a common area outside the cells. Five mattresses were used Thursday, but recently that number has been as high as 20.

Prison officials say these stopgap accommodations are worrisome because personal space is nonexistent and because the newly arriving inmates haven't been screened fully to determine whether they pose a safety risk. Additionally, first-time inmates, some of whom are being held for nonviolent offenses, are in close quarters with hardened veterans of the prison system.

"Tensions are heightened," Burnheimer said, "and it does lead to extra fights."

Criminal Justice Committee members said what they saw during a January visit to the intake area alarmed them.

Lawmakers said if a tragedy occurs, they don't want to be blamed for failing to notify the public. They also expressed concern that the overcrowding could expose the state to legal liability.

"We can't sit back and wait until there's a catastrophe," Sykes said.

Maine has six prisons for adults -- two in Warren, plus facilities in Windham, Charleston, Machiasport and Hallowell. Five are above the capacity allowed under accrediting standards. The one exception is the Maine State Prison in Warren, which is built for 922 prisoners and has 875. As of Wednesday, the entire system had 2,080 inmates, or 265 more than capacity.

"It's been a steady and continuing increase," said Denise Lord, assistant corrections commissioner. "We're really at a place where we can't process people fast enough."

One of the causes of the prison population boom is tougher sentencing laws, defense lawyers say. Walter McKee, president of the Maine Association of Criminal Defense Lawyers, said the Legislature bears responsibility for the overcrowding problem.

"It's always an issue because of what happens each year, which is proposals for longer sentences, higher mandatory minimums and more punishment," McKee said.

He cited Tina's Law, which imposes a mandatory six-month sentence on certain drivers who are caught driving with a suspended license, in addition to two proposals that the Legislature is considering. One would set a minimum sentence of 25 years in prison for manufacturing and trafficking methamphetamines. The other would require a 25-year sentence for gross sexual assault against a child under age 12.

Whatever the causes of the overcrowding problem, corrections officials say now is the time to take action.

"We're no longer at the point where we see any relief," Lord said. "And I think that's what's concerning us."

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## Reader comments

**Rod** of Augusta, ME  
Feb 18, 2007 8:58 AM

Just put a stockade fence and guards around the entire state. Lock'em all up now and save a bundle. There is not a living person who doesn't have criminal intent. It's the top 1% who own 90% of everything and have all the money are playing the game of pitting everybody against everybody else. Build another

prison and they will fill it up, build another and it will be filled up and so on. There is no end. All they have to do is catch more of you and make more stupid laws. It's a good business.

---

**Xportlander** of Scarborough, ME  
Feb 18, 2007 8:29 AM  
Sue,

I hope your husband gets out soon to a comfortable bed. FYI....probation violation = breaking the law AGAIN.

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**tania513** of bethlehem, NH  
Feb 17, 2007 11:22 PM

Jenny , i am talking about people who are guilty and it has been proven that they are.I am talking about people on death row.not the people who are in for minor offenses.You are right there are some people who are innocent,being in the wrong place at the wrong time.I am talking about people who show no remorse, who are living in the lap of luxury.the hot meals a day, a place to lay their head, while there are people who work hard and can barely make ends meet. I am sorry if I offended you.

---

**bobbyjoe seekins** of Newport, ME  
Feb 17, 2007 9:00 PM

Once again, we've missed the root of the problem.

The family my dear Watson, its the family thats missing. Without the guidance of a loving father and mother, the children raise themselves. An old wise man once said "A child left to himself, brings his mother to shame". I helped build the prison in Warren, Longcreek youth prison in South Portland and Mountain View youth prison in Charleston. While at South Portland I asked the warden about the homes that the kids come from, to which he replied, they all come from broken homes. Terry Gross of National Public radio did a story on the girls at Charleston on her program Fresh Air and interviewed the girls. The theme was the same: ALL interviewed came from broken or single parent homes.

The children simply don't have the instruction and guidance they need to obey the law and do right. Without this foundation in their early years, many are condemned for the rest of their lives, whether in prison or not. I've known several people who grew up in single parent or broken homes and they are not emotionally stable. With that said, some people can do fine later in life, but they are the exception.

Our public schools have facilitated this breakdown of the family and marriage by teaching children its perfectly acceptable to have sex outside of marriage with protection, when nothing could be further from the truth.

Safe sex has not accomplished that which it has set out to do. Children ruin their lives in many cases or ruin the lives of the children born to them. I've seen many single mothers in low income complexes with revolving boyfriends and all that comes with it: Drugs, alcohol, child abuse from the boyfriend. This lifestyle creates great instability in a childs life (physical and emotional).

What if instead of lying to the children, we as a society warned children about the consequences of premarital sex and how much it has cost our society and instead taught marriage relations and conflict resolution?

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