



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS

# Justice Reinvestment in Maine

*First Presentation to the Maine Commission to Improve the Sentencing, Supervision, Incarceration and Management of Prisoners*

**October 3, 2019**

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## Presentation Overview



**1** Justice Reinvestment and the  
CSG Justice Center

**2** Maine's Criminal Justice  
Challenges

**3** Next Steps

# The Justice Center is a branch of The Council of State Governments (CSG).



National nonprofit, nonpartisan membership association of state government officials that engages members of **all three branches** of state government. The Council of State Governments (CSG) provides assistance to states in the following issue areas:

- Economics and Finance
- Workforce and Education
- Elections
- Energy and Environment
- Federal Affairs
- Health
- International
- Interstate Compacts
- **Public Safety and Justice**
- Transportation



**Justice Center**

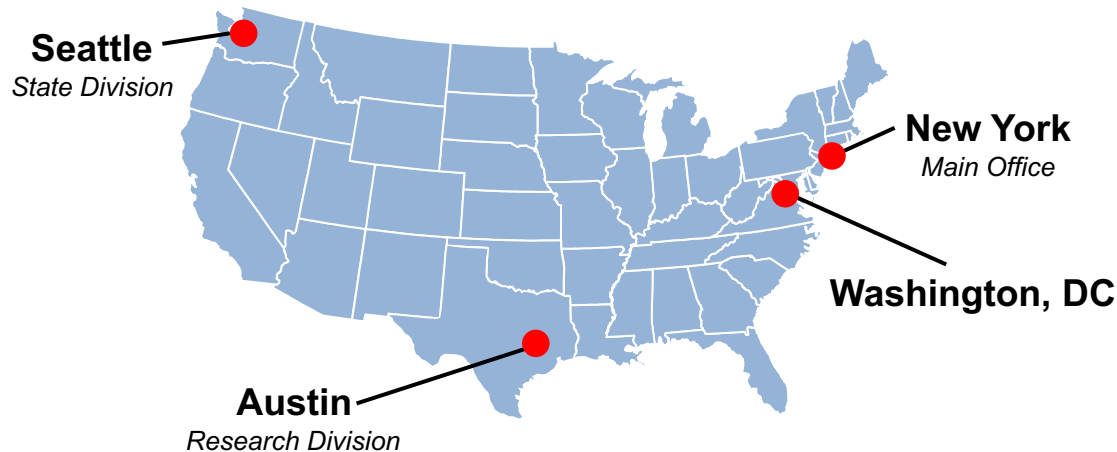
THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments (CSG) Justice Center is a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities. The CSG Justice Center provides assistance in areas including:

- **Justice Reinvestment**
- **Behavioral Health**
- **Law Enforcement**
- **Corrections**
- **Reentry**
- **Juvenile Justice**

The CSG Justice Center serves state and local jurisdictions across the country on a range of public safety topics.

The CSG Justice Center employs approximately 110 staff in four offices and other locations...



#### CSG Justice Center Divisions

- State Initiatives (Justice Reinvestment)
- Research
- Corrections & Reentry
- Behavioral Health
- Communications & External Affairs
- Finance, Operations & Administration

... and works on a variety of privately and publicly funded programs, including:



## What is Justice Reinvestment?



# JUSTICE REINVESTMENT

**A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety**

The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by **The Council of State Governments (CSG) Justice Center** and Community Resources for Justice's **Crime and Justice Institute (CJI)**.

Justice Reinvestment technical assistance is a two-part process that includes analysis, engagement, policy development, and implementation.

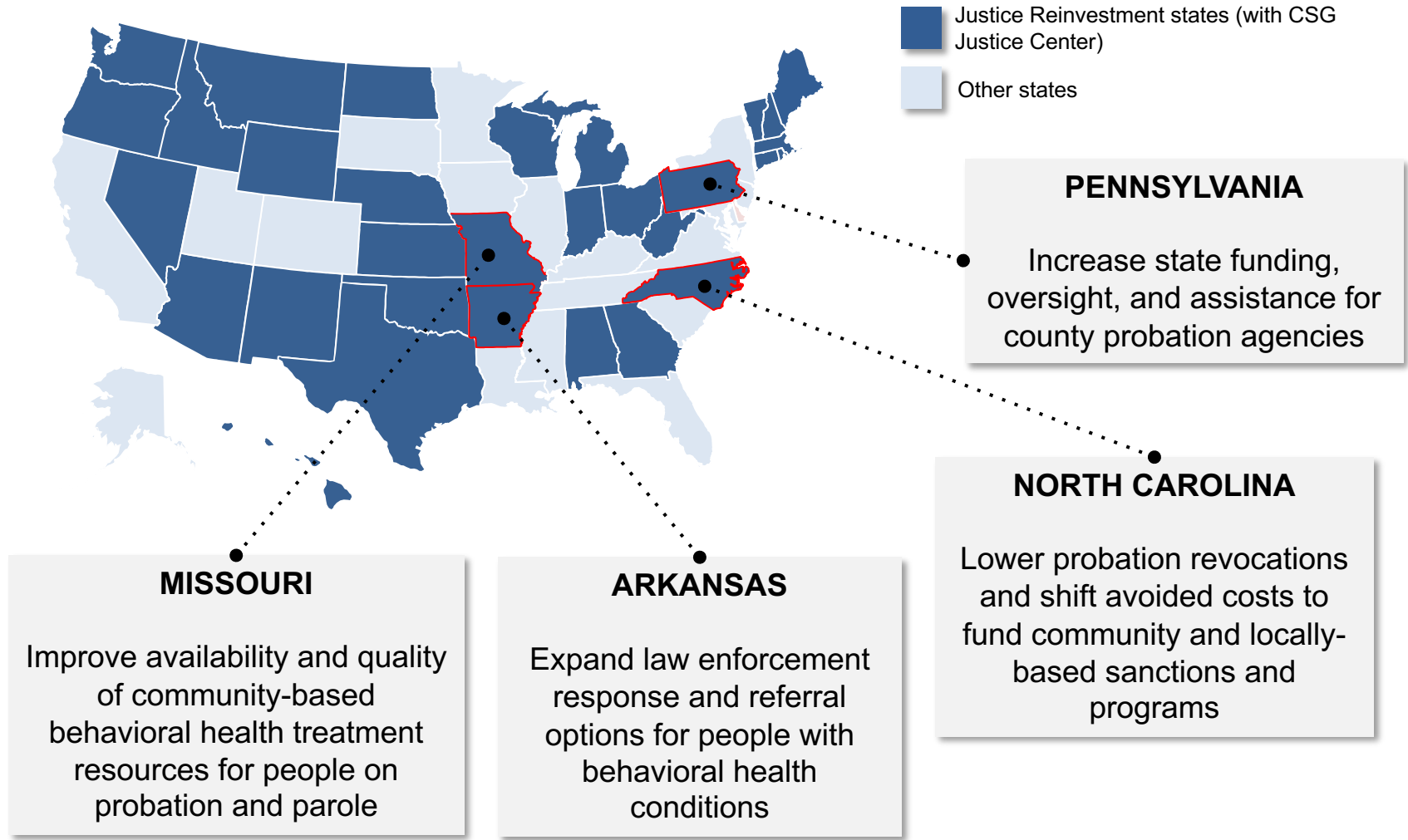
## Pre-enactment

1	<b>Bipartisan, Interbranch Working Group</b>	Assemble practitioners and leaders; receive and consider information, reports, and policies.
2	<b>Data Analysis</b>	Data should come from across the criminal justice system for comprehensive analysis.
3	<b>Stakeholder Engagement</b>	Complement data analysis with input from stakeholder groups and interested parties.
4	<b>Policy Options Development</b>	Present a policy framework to reduce corrections costs, increase public safety, and project the impacts.

## Post-enactment

5	<b>Policy Implementation</b>	Identify needs for implementation and deliver technical assistance for reinvestment strategies.
6	<b>Monitor Key Measures</b>	Monitor the impact of enacted policies and programs; adjust implementation plan as needed.

Justice Reinvestment is a flexible process that allows for the development of policy solutions that are customized to meet state-specific needs.



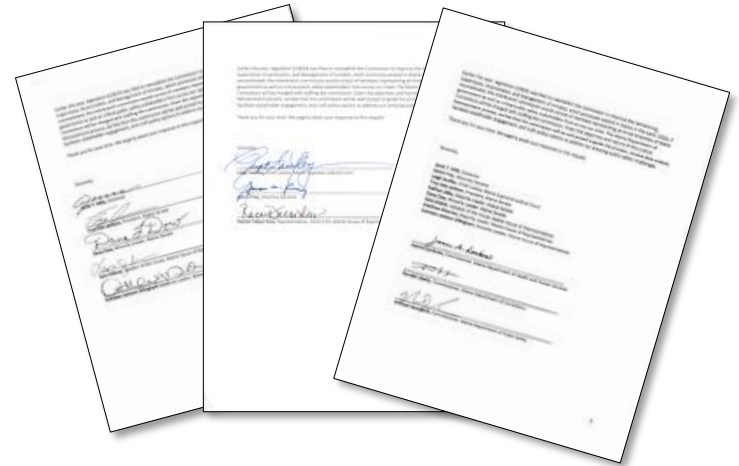
**Source:** "Justice Reinvestment Home," The Council of State Governments Justice Center, accessed August 13, 2019, <https://csgjusticecenter.org/jr/>.



In July 2019, Maine leaders signed and submitted a letter to national funders supporting a Justice Reinvestment project in the state.

**Signatories:**

- **Janet Mills**, Governor
- **Leigh Saufley**, Chief Justice, Maine Supreme Judicial Court
- **Troy Dale Jackson**, Senate President
- **Dana Dow**, Senate Minority Leader
- **Sara Gideon**, Speaker of the House
- **Kathleen Jackson Dillingham**, House Minority Leader
- **Jeanne Lambrew**, Commissioner, Maine Department of Health and Human Services (DHHS)
- **Randy Liberty**, Commissioner, Maine Department of Corrections (MDOC)
- **Michael Sauschuck**, Commissioner, Maine Department of Public Safety (DPS)
- **Aaron Frey**, Attorney General
- **Rachel Talbot Ross**, Representative, Maine House of Representatives
- **Andrew Robinson**, President, Maine Prosecutors' Association



Maine leaders' request for technical assistance through the Justice Reinvestment Initiative was **approved** by the BJA and The Pew Charitable Trusts on August 13, 2019.



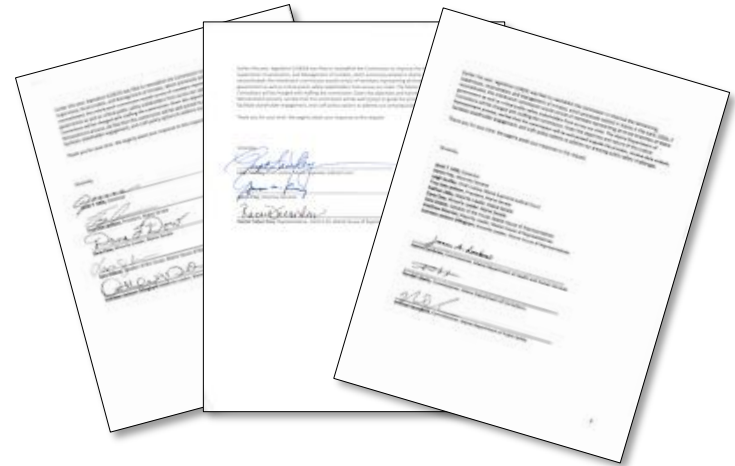
As part of their request for JRI, Maine leaders outlined specific challenges and areas of analysis that the state wants to explore through the process.

*“To the extent possible, this comprehensive analysis should cover all facets of the criminal justice system, including key system and/or stakeholder decision points such as:*

- *arrest;*
- *arraignment or other pretrial hearings, including bail decisions;*
- *pretrial diversion, detention, or supervision;*
- *charging;*
- *adjudication/sentencing, including conditions of probation;*
- *incarceration, including programming, reentry, or release planning, etc.;*
- *community supervision;*
- *and more.*

...

*“Whenever possible, such analyses should also include information on demographic factors, such as race and gender, so that state leaders and stakeholders can better understand the drivers and effects of racial disproportionalities in our state’s criminal justice system.”*



**Source:** Letter of interest from Maine state leaders to the Bureau of Justice Assistance and The Pew Charitable Trusts., June 19, 2019.

# A legislatively established interbranch commission will serve as Maine's Justice Reinvestment working group.

LD 829, sponsored by Rep. Talbot Ross, reestablished the *Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners*, which will function as the Justice Reinvestment working group for Maine. The bill outlines a basic structure, charges, and timeline for the commission's work and deliverables. LD 829 was signed into law on June 28, 2019 by Governor Mills and went into effect on September 19, 2019.



- **Membership:** 20 members, including legislative (x4), executive (x4), and judicial (x3) members and state and local criminal justice stakeholders (x9). Appointments are made by the Senate president, Speaker of the House, governor, and chief justice. The first-named legislator from each chamber will serve as that chamber's chair of the commission.
- **Objectives:** The commission will:
  - Study various factors contributing to the cycle of incarceration or reincarceration in Maine and;
  - Develop data-driven policy solutions designed to reduce recidivism, improve reentry, preserve community safety, and lower correctional populations at both state and local levels.
- **Technical Assistance:** Technical assistance, including data analysis and stakeholder engagement, will be provided by staff from the CSG Justice Center. LD 829 charges the Department of Corrections with staffing the commission.

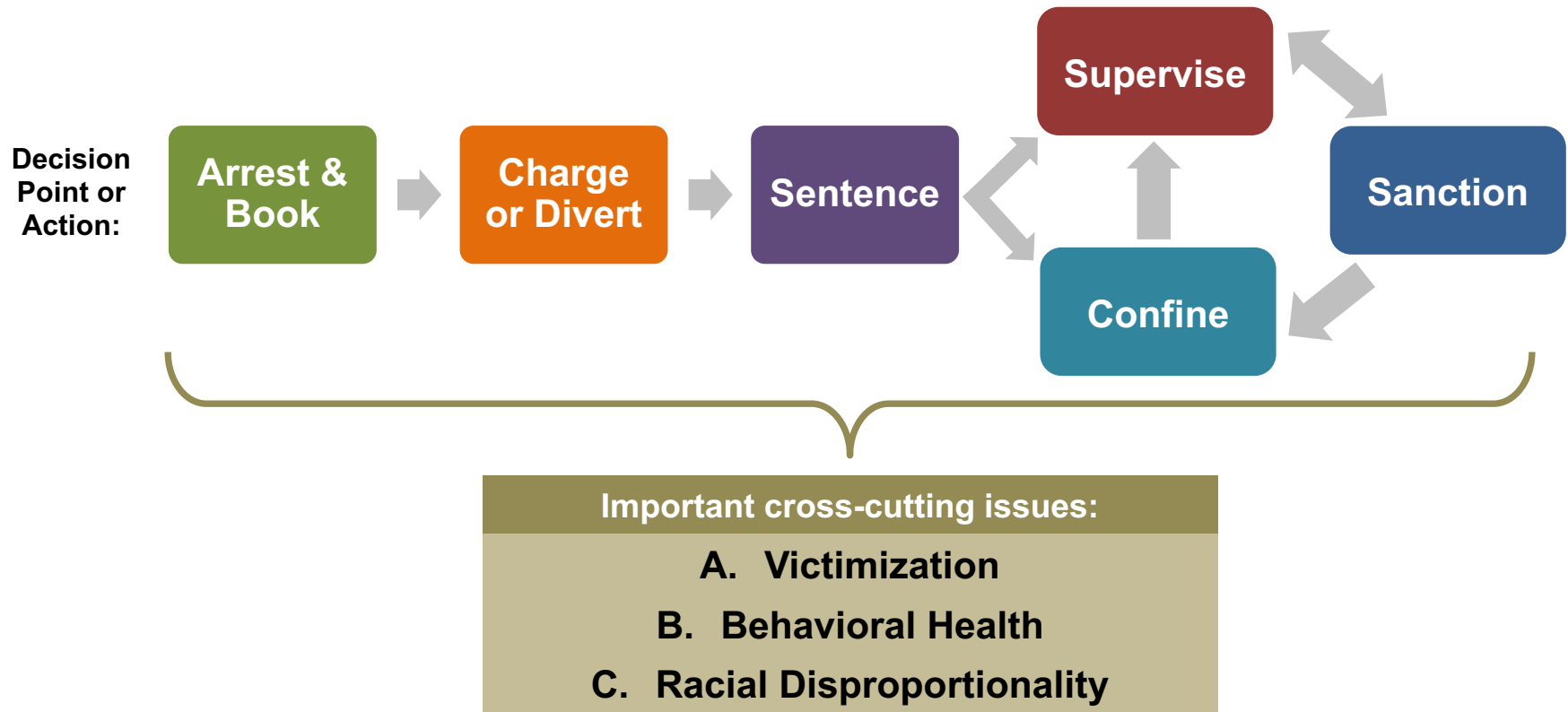
Source: L.D. 829, 129th Legis. (2019).



## Presentation Overview

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- 2 Maine's Criminal Justice Challenges
- 3 Next Steps

Examining system decision points organizes the effort to identify the scope, collect data, identify stakeholders, and develop policy ideas.

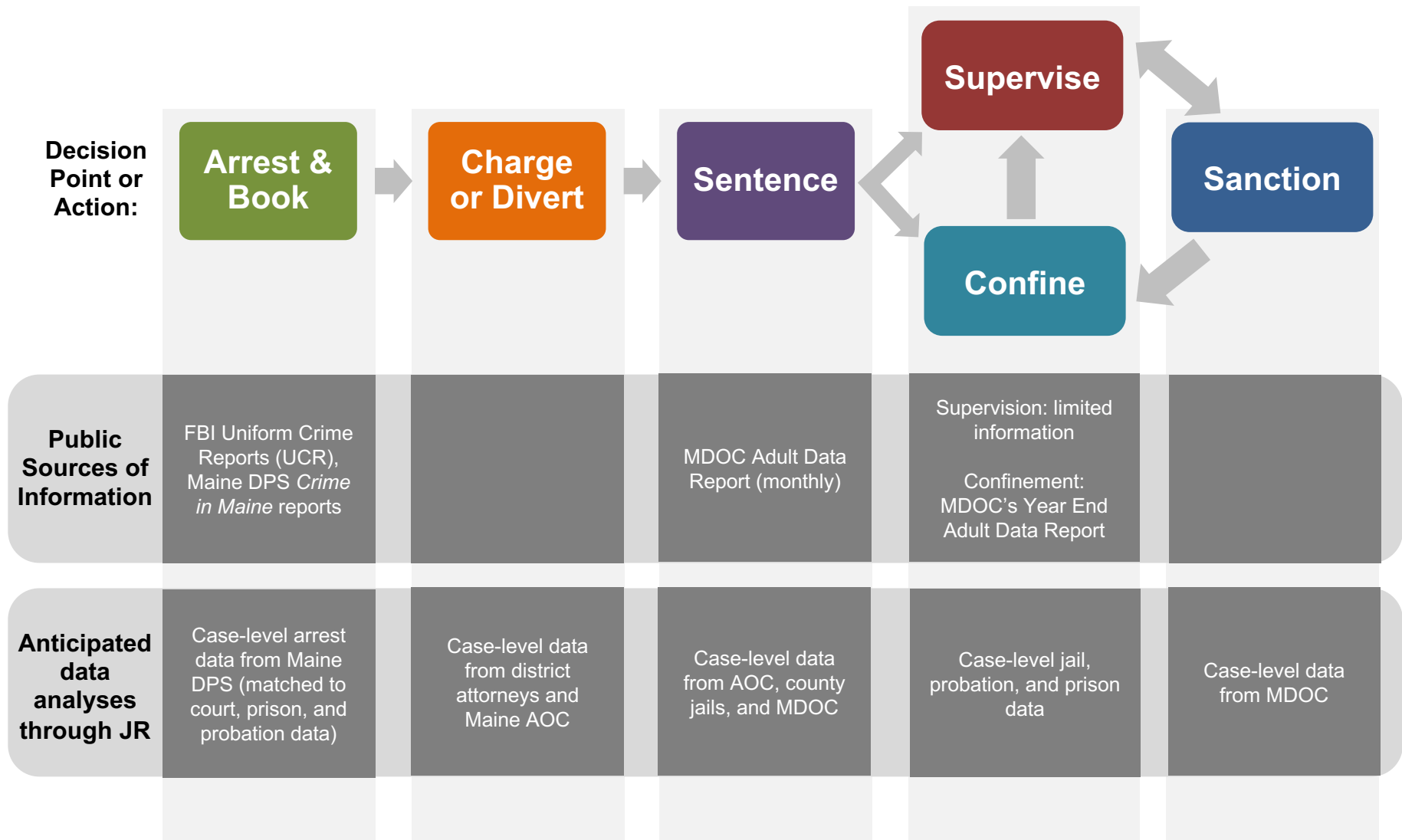


In subsequent slides, these “keys” will indicate the relevant area(s) of analysis.



*Victimization - Behavioral Health – Racial Disparities*

Information included in this presentation comes from publicly available reports and data published by federal and state sources.



Maine's violent and property crime rates are among the lowest in the nation. Reported violent crime went up in the past decade but has decreased in the last several years.

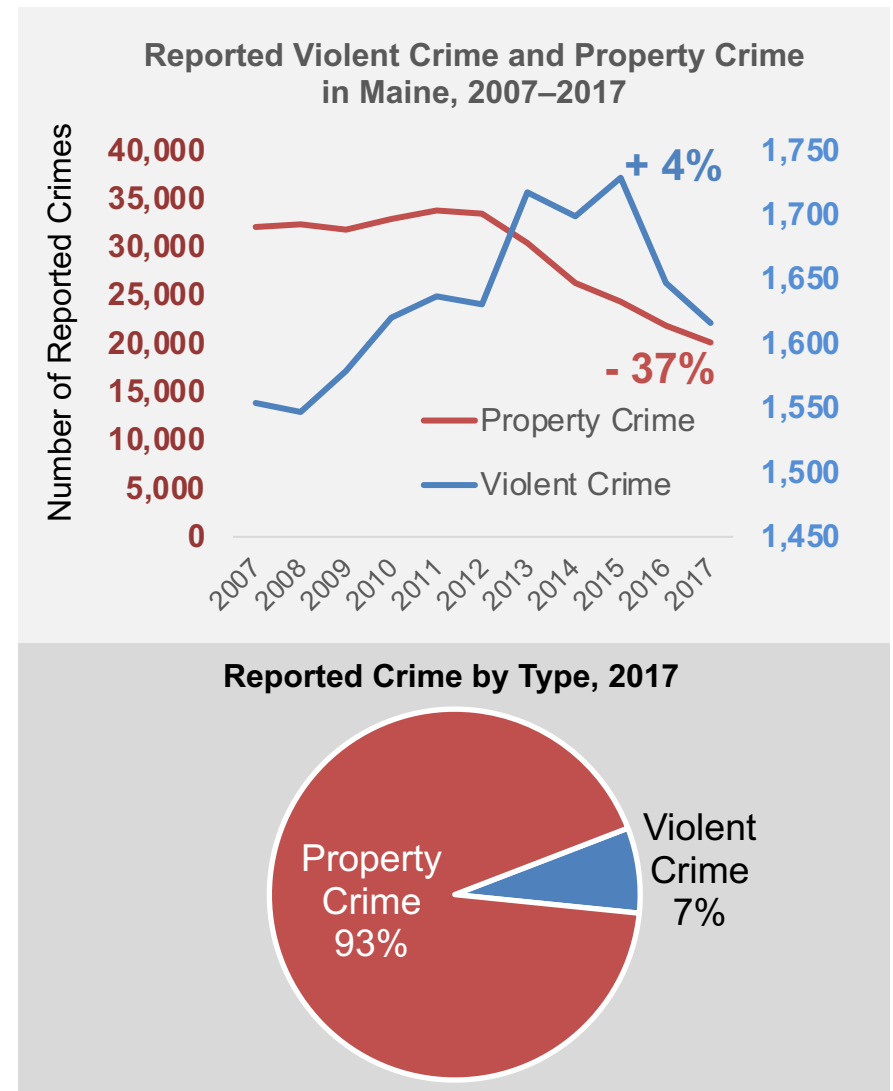


Maine's **violent crime rate** of 121 reported violent crimes per 100,000 residents is the **lowest in the nation**.

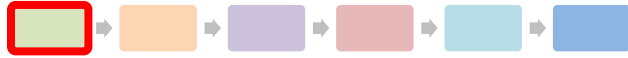
Maine's **property crime rate** of 1,507 reported property crimes per 100,000 residents is the **fourth-lowest in the nation**.

Property crime is **far more prevalent** than violent crime in Maine; in 2017, the ratio of reported property crimes to reported violent crimes was nearly 12.5 to 1.

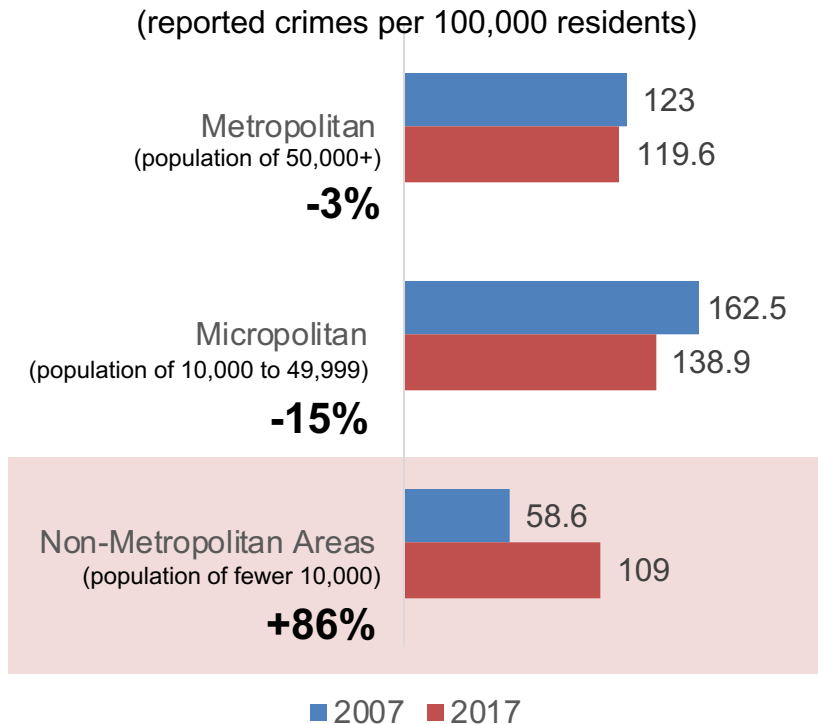
**Source:** Federal Bureau of Investigation, Crime in the United States, 2007 (Washington, DC: United States Department of Justice, 2007), <https://ucr.fbi.gov/crime-in-the-u.s/2007/>; Federal Bureau of Investigation, Crime in the United States, 2017 (Washington, DC: United States Department of Justice, 2017), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017>.



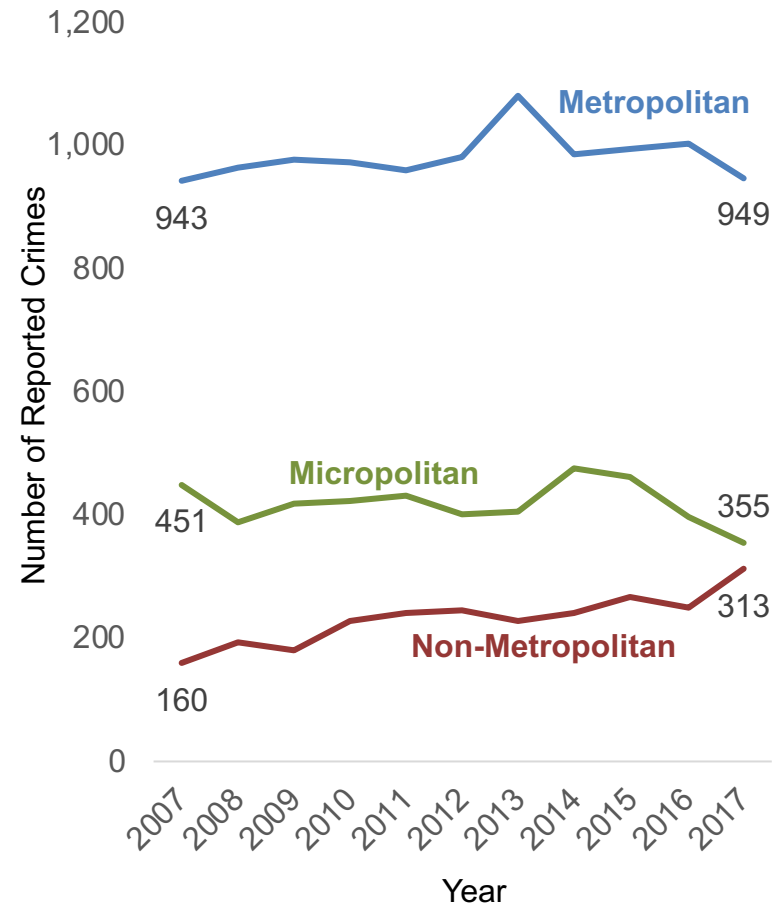
While violent crime in urban and suburban areas has declined in recent years, violent crime in rural areas has increased.



**Violent Crime Rates in Maine by Population Area, 2007 and 2017**  
(reported crimes per 100,000 residents)



**Reported Violent Crimes in Maine by Population Area, 2007–2017**



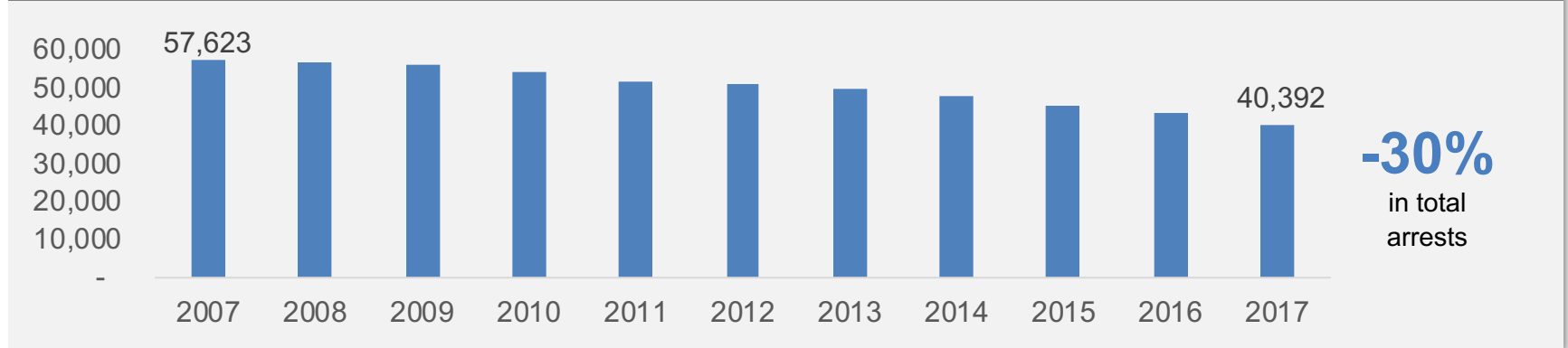
**Source:** Federal Bureau of Investigation, Crime in the United States, 2007 (Washington, DC: United States Department of Justice, 2007), <https://ucr.fbi.gov/crime-in-the-u.s/2007>; Federal Bureau of Investigation, Crime in the United States, 2017 (Washington, DC: United States Department of Justice, 2017), <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017>.



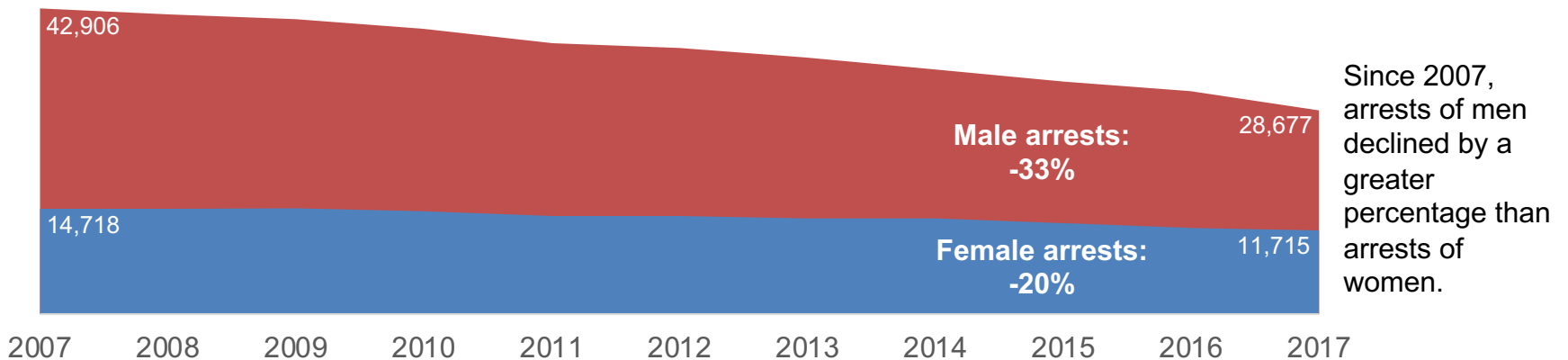
Arrests have fallen in Maine in the last decade, with arrests of men declining faster than arrests of women.



Total Arrests in Maine, 2007–2017



Total Arrests in Maine by Sex, 2007–2017



**Source:** Maine Department of Public Safety, Crime in Maine, 2017 (Augusta, Maine; Maine Department of Public Safety, 2017), [https://www.maine.gov/dps/cim/crime\\_in\\_maine/2017pdf/Crime%20in%20Maine%202017.pdf](https://www.maine.gov/dps/cim/crime_in_maine/2017pdf/Crime%20in%20Maine%202017.pdf).

# Arrest patterns in Maine highlight opportunities to enhance public safety through reform, but further analysis is needed.

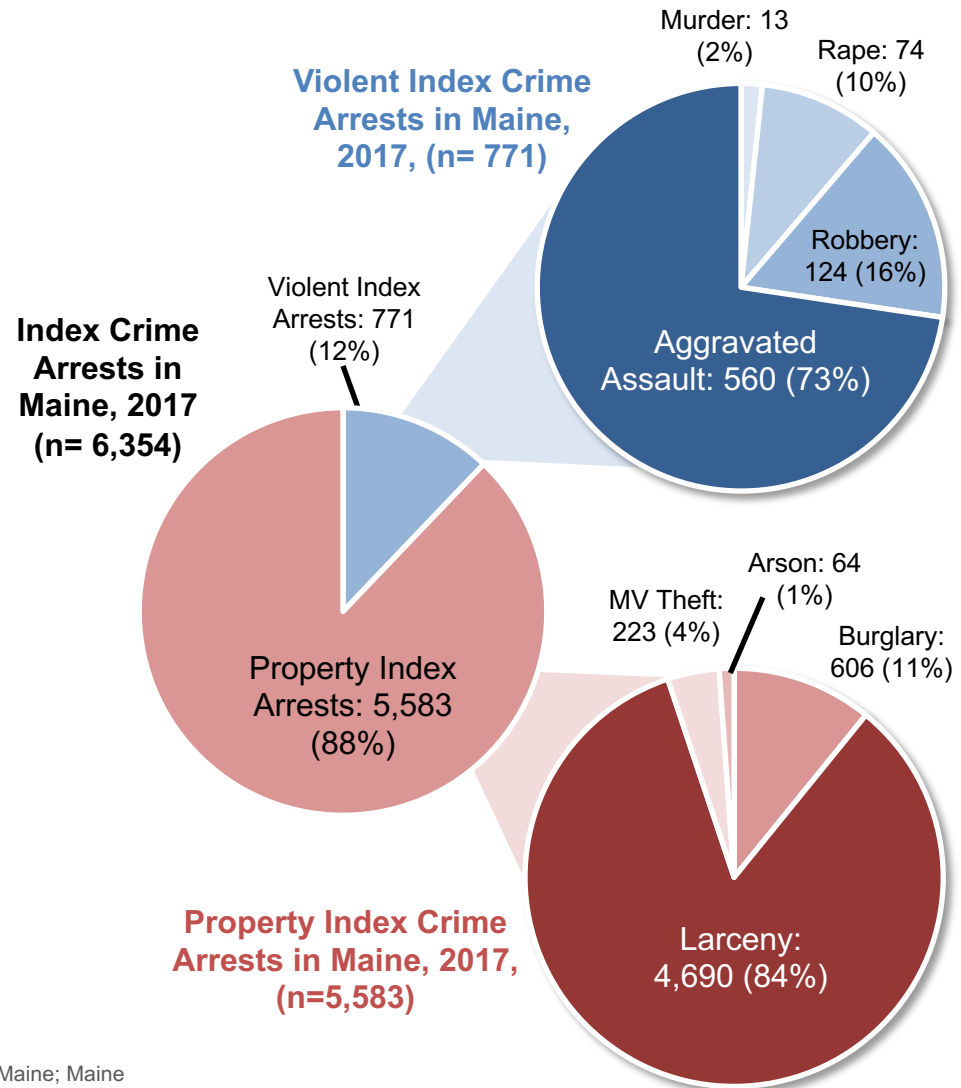


## Most frequent reasons for arrest\* (2017):

1. DUI (5,838 arrests)
2. Other Assault (4,858 arrests)
3. Larceny (4,690 arrests)
4. Drug Abuse Violations (3,387 arrests)
5. Liquor Laws (2,160 arrests)
6. Disorderly Conduct (1,239 arrests)
7. Vandalism (1,059 arrests)
8. Burglary (606 arrests)
9. Aggravated Assault (560 arrests)
10. Fraud (516 arrests)

*\*Includes both felony and misdemeanor arrests*

**More than 14,000 arrests were classified in the “all other (except traffic)” category.**



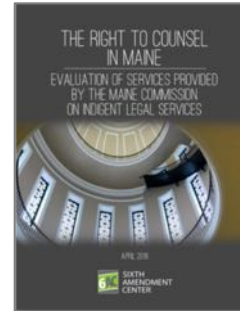
**Source:** Maine Department of Public Safety, Crime in Maine, 2017 (Augusta, Maine; Maine Department of Public Safety, 2017), [https://www.maine.gov/dps/cim/crime\\_in\\_maine/2017pdf/Crime%20in%20Maine%202017.pdf](https://www.maine.gov/dps/cim/crime_in_maine/2017pdf/Crime%20in%20Maine%202017.pdf).

# Maine's bail and indigent defense systems have been recently studied and critiqued.



## A limited jail population study in 2015 found:

- Average length of stay for people held solely on an allegation of violation of probation was 57.4 days. That number increased to 86 days for people held on both a motion to revoke probation and for an additional booking reason.
- 14 percent of the pretrial population was arrested solely on warrants for failure to appear at a court hearing concerning an overdue fine, and 9 percent were booked for failure to appear to pay a fine and another reason.



2019 Report  
by the Sixth  
Amendment  
Center

## The Right to Counsel in Maine

- Prosecutors engage in plea discussions with uncounseled defendants
- Attorney standards are too lenient
- Limited new attorney training
- Lack of appropriate supervision
- “Lawyer of the day” system causes a lack of continuous representation
- Hourly compensation rate (\$60/hour) is not enough to cover overhead and ensure a reasonable fee

***“The Task Force agreed that Maine’s current bail laws need to be amended.”***

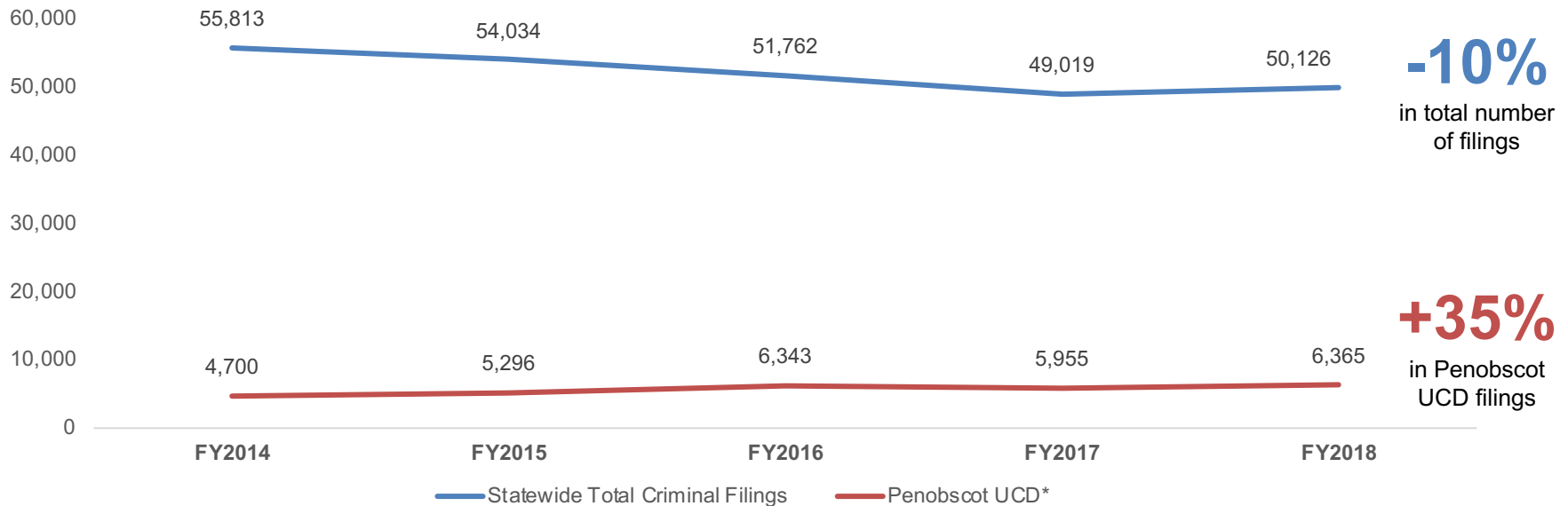
A new **Pretrial Justice Reform Task Force** is set to study best practices, assessment, process improvements, and foundational components by Nov. 30, 2019.

**Sources:** Hon. Robert E. Mullen, Report of the Intergovernmental Pretrial Justice Task Force (Augusta, Maine; State of Maine Judicial Branch, 2015),

[https://www.courts.maine.gov/reports\\_pubs/reports/pdf/PTJRTF\\_report.pdf](https://www.courts.maine.gov/reports_pubs/reports/pdf/PTJRTF_report.pdf); The Right to Counsel in Maine:

Evaluation of Services Provided by the Maine Commission on Indigent Legal Services (Boston, Massachusetts; The Sixth Amendment Center, 2019), [https://sixthamendment.org/6AC/6AC\\_me\\_report\\_2019.pdf](https://sixthamendment.org/6AC/6AC_me_report_2019.pdf)

Total criminal case filings are down in recent years, but at least one sizeable jurisdiction is trending in the opposite direction.

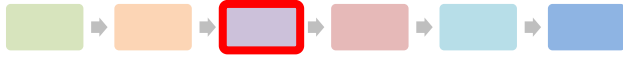


\*Unified Criminal Docket case processing for Penobscot began in January 2010.

While court data is available and has been subject to fairly intensive analysis, data showing Maine prosecutorial charging and diversion decisions have never been analyzed.

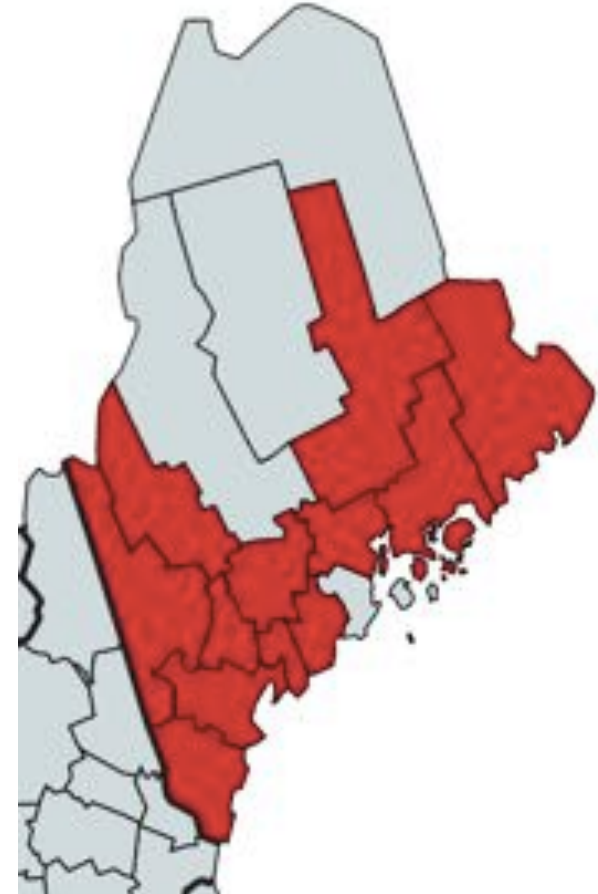
**Source:** Administrative Office of the Courts, Maine State Court Caseload 5 Year Trend (Augusta, Maine: Maine Supreme Judicial Court, 2019)  
[https://www.courts.maine.gov/news\\_reference/stats/pdf/year-trend/statewide.pdf](https://www.courts.maine.gov/news_reference/stats/pdf/year-trend/statewide.pdf).

A number of pre- and post-arrest diversion programs have been implemented in Maine in recent years.



**Maine Pretrial Services (MPS)** is active in the majority of the state's 16 counties. MPS currently provides pre-arraignment screening and risk assessment, release and supervision, Title 30-A home release programming, reentry planning and community supervision, and case management to most Maine problem-solving courts.

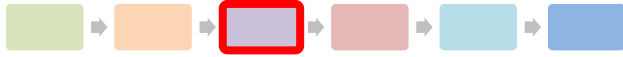
- Co-occurring Disorders Court (CODC) (serving all of Maine)
- Family Treatment Drug Court (FTDC) (serving Androscoggin, Kennebec, and Penobscot Counties)
- Adult Drug Treatment Court (ADTC) (serving Androscoggin, Cumberland, Hancock, Washington, and York Counties)
- Kennebec Regional Re-Entry Project (KeRRP)
- Alternative Sentencing Programs (District 6 and Penobscot County)
- Project Reentry (serving Cumberland County)



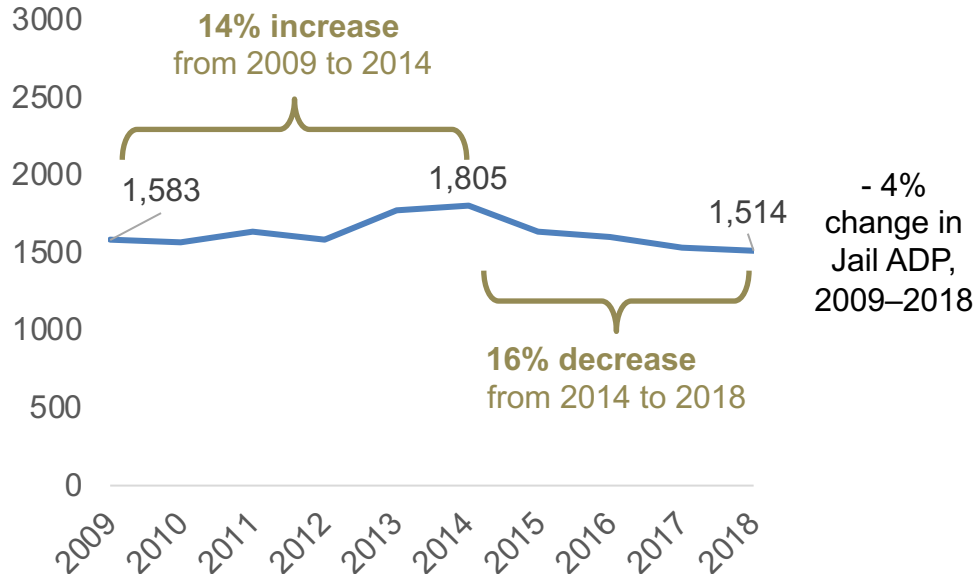
 **MAINE PRETRIAL SERVICES** Counties

Source: "Locations", Maine Pretrial Services, accessed August 19, 2019, <http://mainepretorial.org/programs.asp>.

Maine's statewide jail population has been largely stable in recent years despite decreases in reported crime, arrests, and criminal case filings.



**Reported Statewide Average Daily Population (ADP)  
for Jails in Maine, 2009–2018**

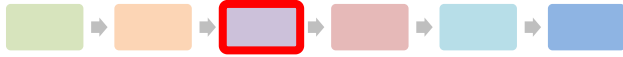


**Source:** Email correspondence between CSG Justice Center and Maine Department of Corrections, May 2019. Maine DOC collection of jail population information began in 2009.

### Jails in Maine

- Jail populations include people...
  - Being held pending trial
  - Sentenced to 9 months or less
  - Serving a probation sanction or awaiting a revocation hearing
- Recent decrease in Maine's jail ADP likely due to a combination of...
  - Declining crime and arrests
  - Better availability of pretrial release or diversion programs
  - Efforts to ensure that people do not linger in jail pretrial
- Most Maine jails are under capacity, but some have significant crowding.

Maine's jail funding mechanism is controversial but could be part of a JRI emphasis on state support for local justice initiatives.



## BDN BANGOR DAILY NEWS

### Lawmakers delay quest for solution to Maine's long-term jail funding problem



Uninhabited jail is building at the Penobscott County Jail in Bangor in this Feb. 10, 2019, file photo.

Arney S. Goss / BDN

*"A legislative committee on Friday strategically killed a bundle of bills that aimed to increase state funding for Maine's county jails, but the effort to solve the county jail funding crisis is far from dead..."*

## 34-A M.R.S. §1210-D. County Jail Operations Fund

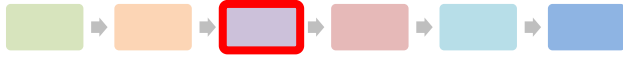
*Requires and defines "community corrections" but bases the payment formula on local use of jail beds.*

- Is there a systematic mechanism for state support of community justice initiatives based on the needs of each community?
- In addition to the Department of Corrections, which state agencies should play a role in supporting such initiatives?

**Source:** Alex Acquisto, "Lawmakers delay quest for solution to Maine's long-term jail funding problem," *Bangor Daily News*, April 12, 2019, accessed August 12, 2019, <https://bangordailynews.com/2019/04/12/politics/lawmakers-delay-quest-for-solution-to-maines-long-term-jail-funding-problem/>

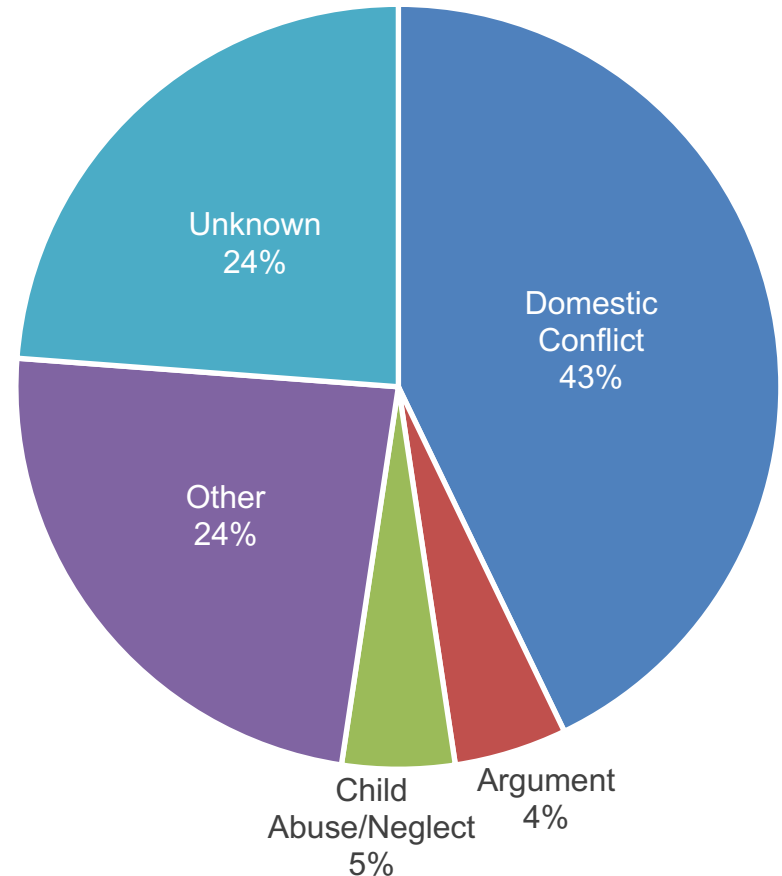


# Domestic violence prevalence and deadliness present challenges for Maine.



- Domestic violence is a significant factor in over half of the homicides committed in Maine, including the vast majority of murder/suicides.
- In 2017, a domestic violence assault was reported to law enforcement in Maine every 2 hours and 5 minutes.
- In 2017, domestic violence assaults accounted for 40.2 percent of the total assaults reported to law enforcement.
- 34,053 calls came in to domestic violence helplines in 2018.
- In 2013, Maine ranked ninth in the country for domestic violence homicides.

Murder Distribution by Circumstances, 2017

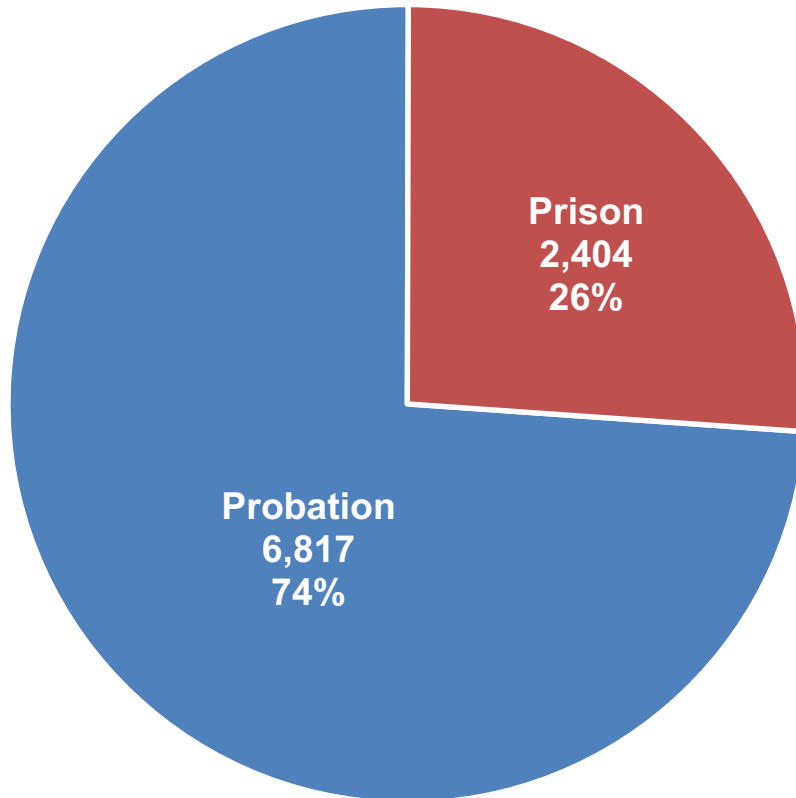


**Sources:** Maine Department of Public Safety, Crime in Maine, 2017 (Augusta, Maine; Maine Department of Public Safety, 2017), [https://www.maine.gov/dps/cim/crime\\_in\\_maine/2017pdf/Crime%20in%20Maine%202017.pdf](https://www.maine.gov/dps/cim/crime_in_maine/2017pdf/Crime%20in%20Maine%202017.pdf). 2018 Snapshot (Augusta, Maine; Maine Coalition to End Domestic Violence, 2019); When Men Murder Women, An Analysis of 2013 Homicide Data (Washington, DC; Violence Policy Center, 2015); BIPs: A Report to the First Regular Session of the 127th Maine Legislature, Pretrial and Post-Conviction Use of Batterer Intervention Programs, Report to Maine's Joint Standing Committee on Criminal Justice and Public Safety Pursuant to L.D. 150 (Augusta, Maine; Maine Department of Corrections, 2015);

The vast majority of people under the jurisdiction of the Maine Department of Corrections (MDOC) are on probation.



**Population Under MDOC Jurisdiction, 2016**

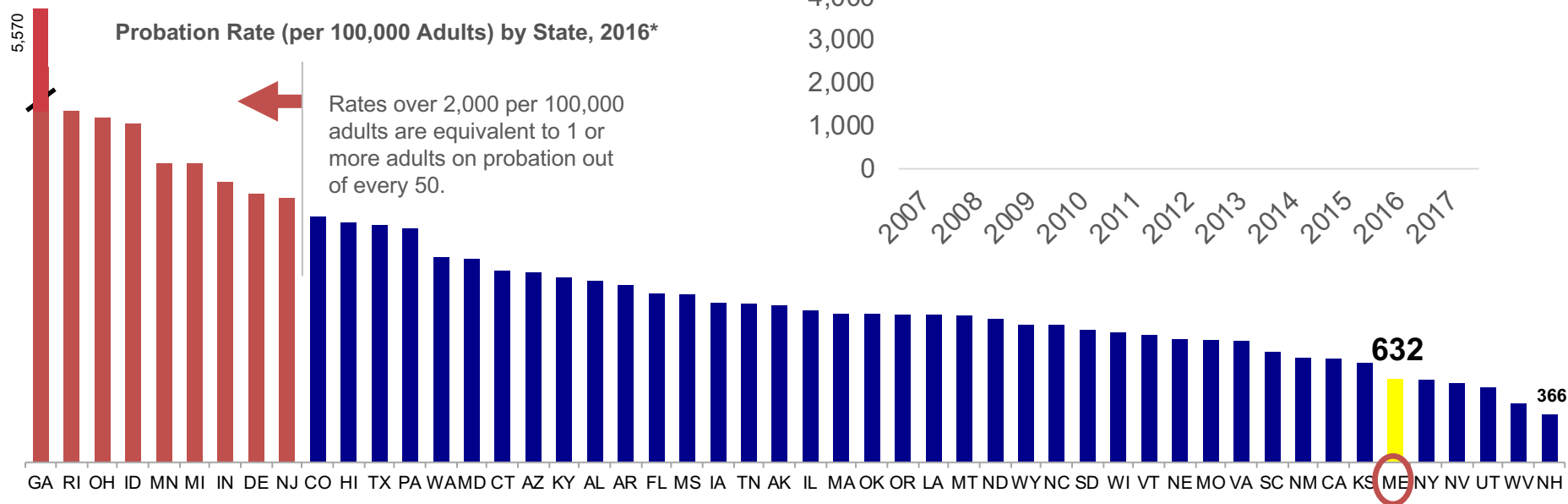


People on probation outnumber people in prison in Maine by nearly 3 to 1.

If properly resourced and administered, probation supervision can be an effective and efficient tool for recidivism reduction.

**Source:** Danielle Kaeble, Probation and Parole in the United States, 2016 (Washington, DC: Bureau of Justice Statistics, 2018) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6188>; Jennifer Bronson and E. Ann Carson, Prisoners in 2017 (Washington, DC: Bureau of Justice Statistics, 2019) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6546>.

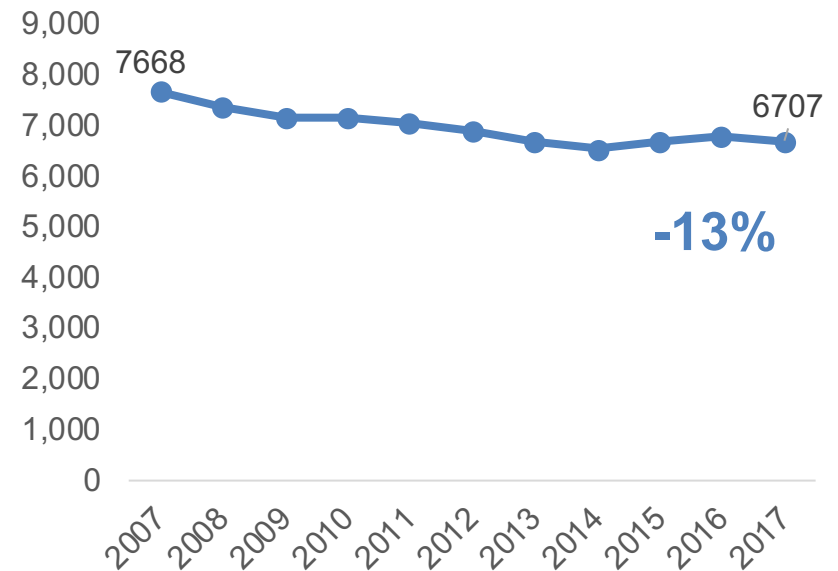
Maine has one of the nation's lowest probation rates, and its probation population has declined over the last decade.



\*Georgia and Michigan did not report probation 2016 data to BJS, so 2015 rates are presented here.

**Sources:** Danielle Kaebler, Probation and Parole in the United States, 2016 (Washington, DC: Bureau of Justice Statistics, 2018) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6188>. Email correspondence between CSG Justice Center and Maine Department of Corrections, August 29, 2019.

**Probation Population, 2007–2017**



Maine has eight adult treatment courts that have demonstrated reductions in recidivism but that serve a relatively small number of people.



- **Locations and Types:**

- Adult Drug Treatment Courts (ADTC) serving people in Androscoggin, Cumberland, Hancock, Penobscot, Washington, and York Counties.
- A Co-occurring Disorders Court (CODC) and Co-occurring Disorders Veterans Court (CODVC) are housed in Kennebec County and are open to people from across the state, provided they reside in, or can travel to, Kennebec County. A veterans “track” recently began in the Cumberland County ADTC.

- **Capacity:**

- Each adult treatment court has a capacity of 30 participants.
- In 2017, a total of 254 people were active participants in the treatment courts.
  - 51 participants successfully graduated from a treatment court.
  - 45 were terminated from a treatment court for non-compliance with requirements and were ordered to serve a previously agreed upon sentence.

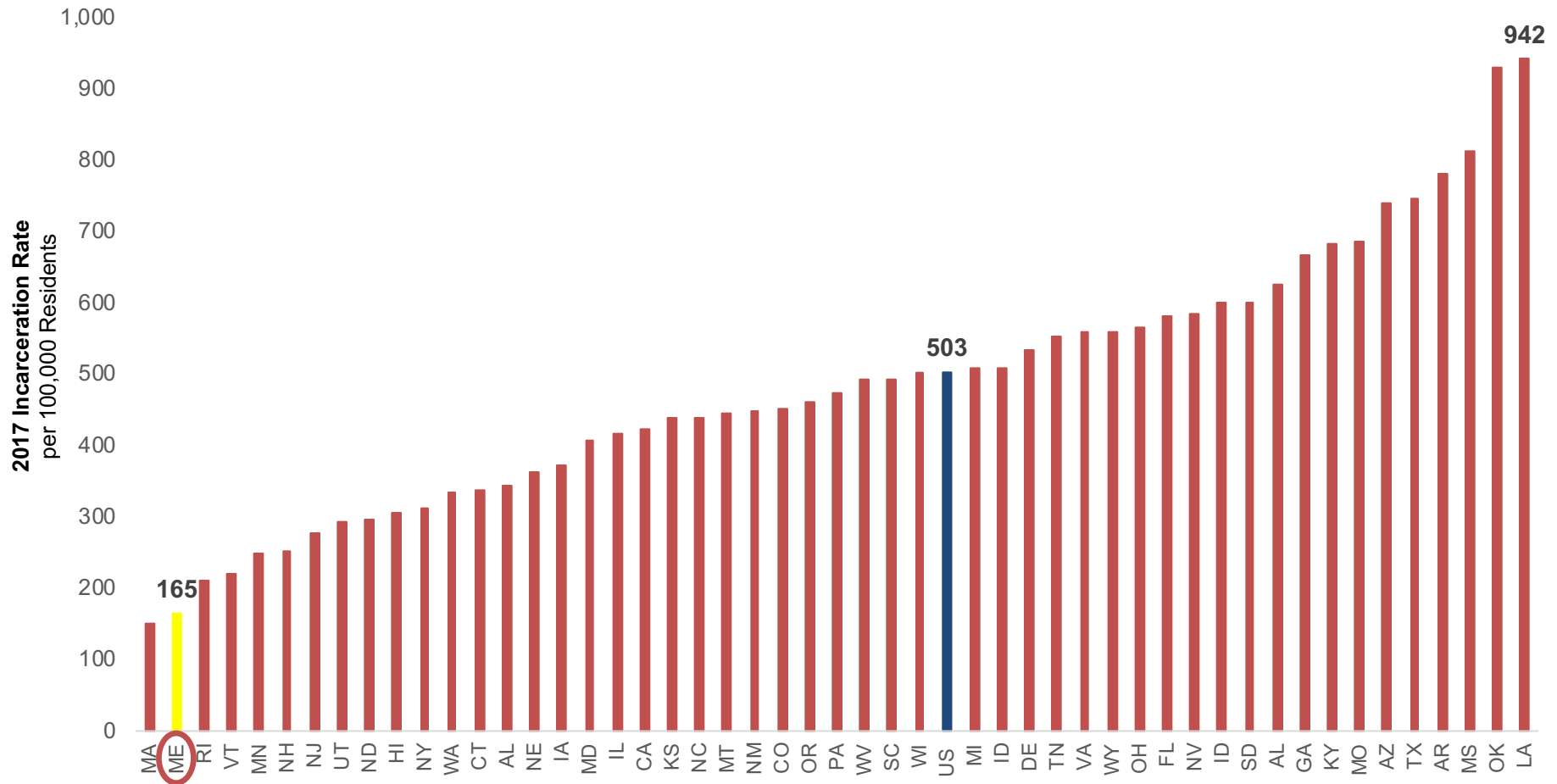
- **Recidivism:**

- A 2016 recidivism study showed that 16 percent of drug treatment court graduates in Maine were reconvicted within 18 months of program completion.
- In comparison, the 18-month reconviction rate for individuals who applied for an ADTC, but were not admitted, was 32 percent. For those admitted, but later expelled from the program, the reconviction rate was 49 percent.

# Maine's incarceration rate is the second lowest in the nation.

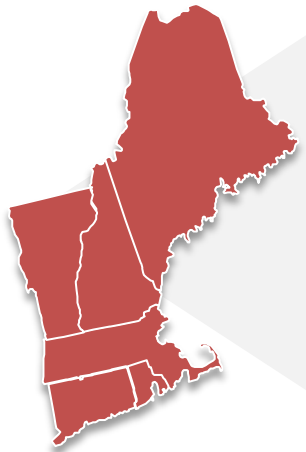


Adult Incarceration Rate by State, 2017



Source: Jennifer Bronson and E. Ann Carson, Prisoners in 2017 (Washington, DC: Bureau of Justice Statistics, 2019) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6546>.

A comparatively low rate of incarceration is a characteristic shared by several other northeastern states.



State	National Ranking	Total Adult Incarceration Rate	Male Incarceration Rate	Female Incarceration Rate
Massachusetts	50	150	239	9
<b>MAINE</b>	<b>49</b>	<b>165</b>	<b>250</b>	<b>22</b>
Rhode Island	48	212	337	13
Vermont	47	222	331	33
New Hampshire	45	253	378	33
Connecticut	37	338	522	26

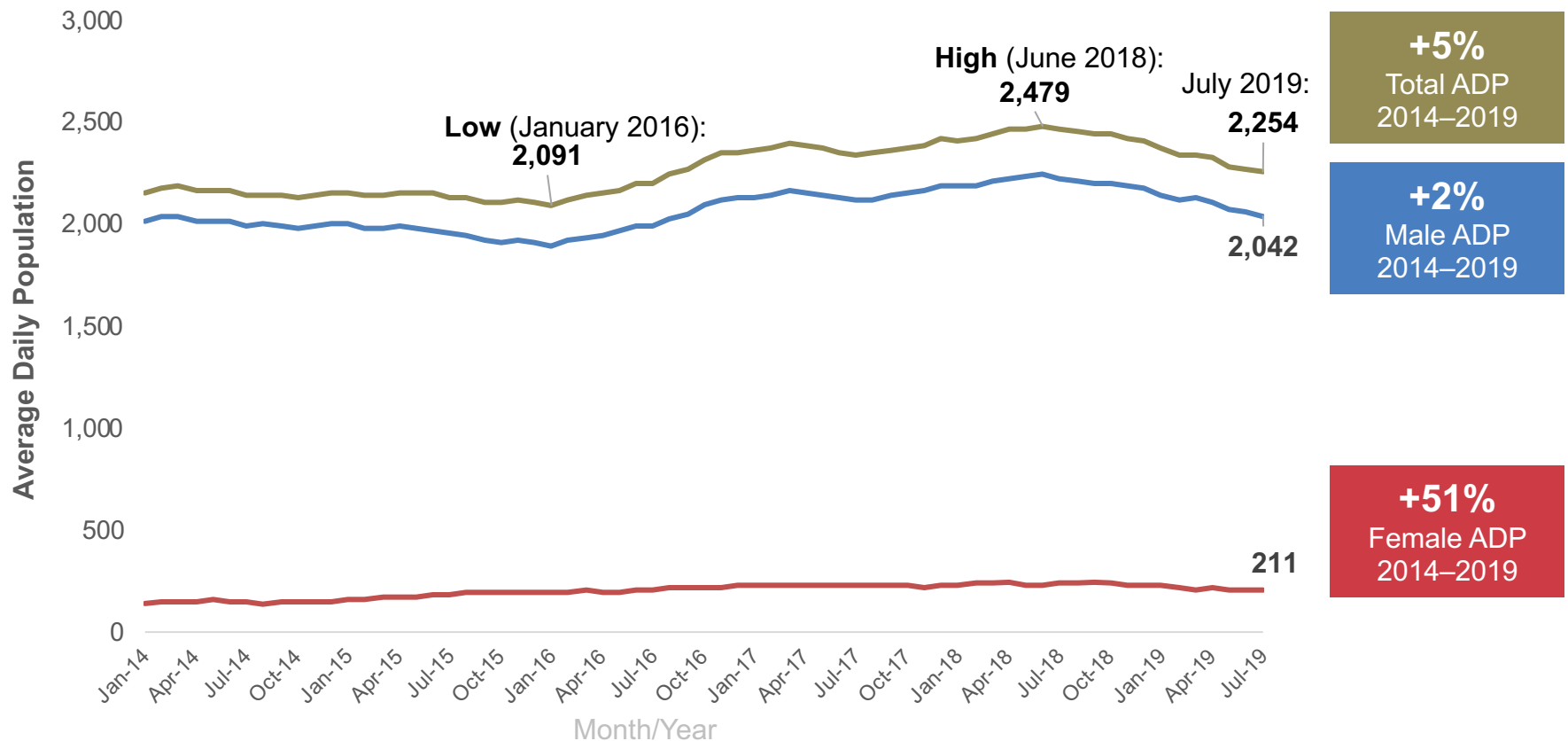
*Information for 2017. National rankings compare all 50 states, not including the District of Columbia or the Federal Bureau of Prisons. Incarceration rate is measured per 100,000 residents based on prisoners with a sentence of more than one year.*

**Source:** Jennifer Bronson and E. Ann Carson, Prisoners in 2017 (Washington, DC: Bureau of Justice Statistics, 2019) <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6546>.

Maine's prison population increased between 2014 and 2019, with a steady and substantial increase in the female population.



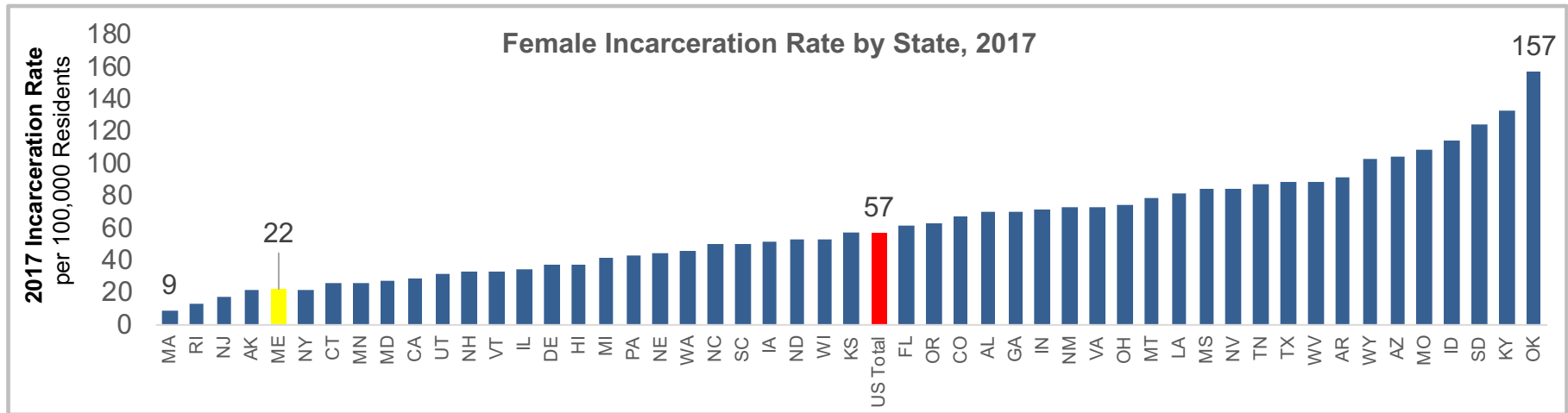
Maine Prison Population by Average Daily Population (ADP), January 2014–July 2019



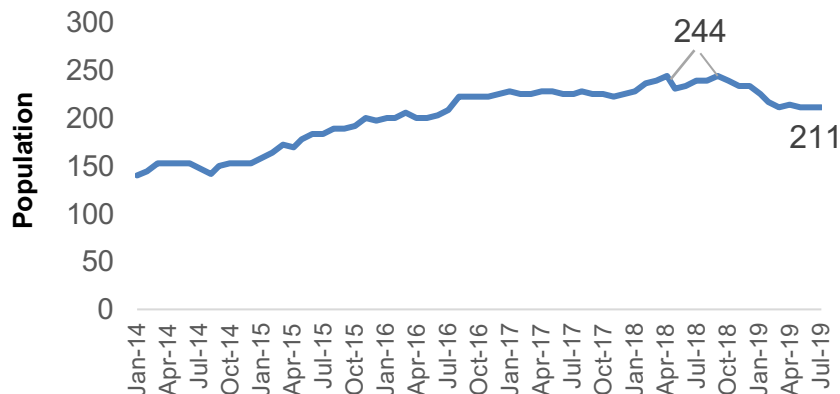
**Source:** Ryan Thornell, 2017 Year End MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2018) <https://www.maine.gov/corrections/quality-assurance/2017%20Year%20End%20Adult%20Data%20Report.pdf>; Ryan Thornell, January 2019 MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2019) <https://www.maine.gov/corrections/quality-assurance/January%202019%20Monthly%20Adult%20Data%20Report.pdf>.



The relatively rapid growth in Maine's female prison population has created operational challenges and pressures for MDOC.



Female Prison Population in Maine by Average Daily Population (ADP), January 2014–July 2019



MDOC's operational challenges resulting from rapid growth in the female prison population include:

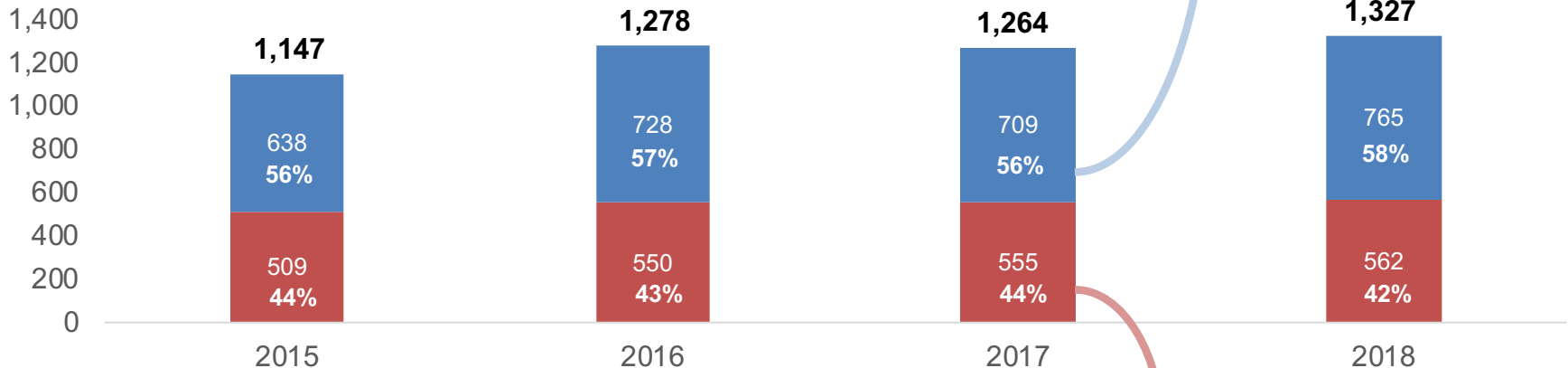
- Lack of housing capacity for women at some facilities and operational pressures related to facility expansion to accommodate additional women
- Lack of necessary programming space at the Maine Correctional Center (MCC)
- Difficulties complying with the standards set forth in the Federal Prison Rape Elimination Act (PREA) given housing limitations

Maine's prison admissions are impacted by probation revocations, which account for more than 40 percent of all admissions.



### Admissions to MDOC Prisons, 2015–2018

■ Probation Violations ■ New Crime



#### 2017 Prison Admissions for New Crimes

- **32% of new crime admissions were for drug offenses**, including 28% of male new crime admissions and 56% of female new crime admissions.
- **10% of new crime admissions were for theft**, including 9% of male new crime admissions and 12% of female new crime admissions.

#### 2017 Prison Admissions for Probation Violations

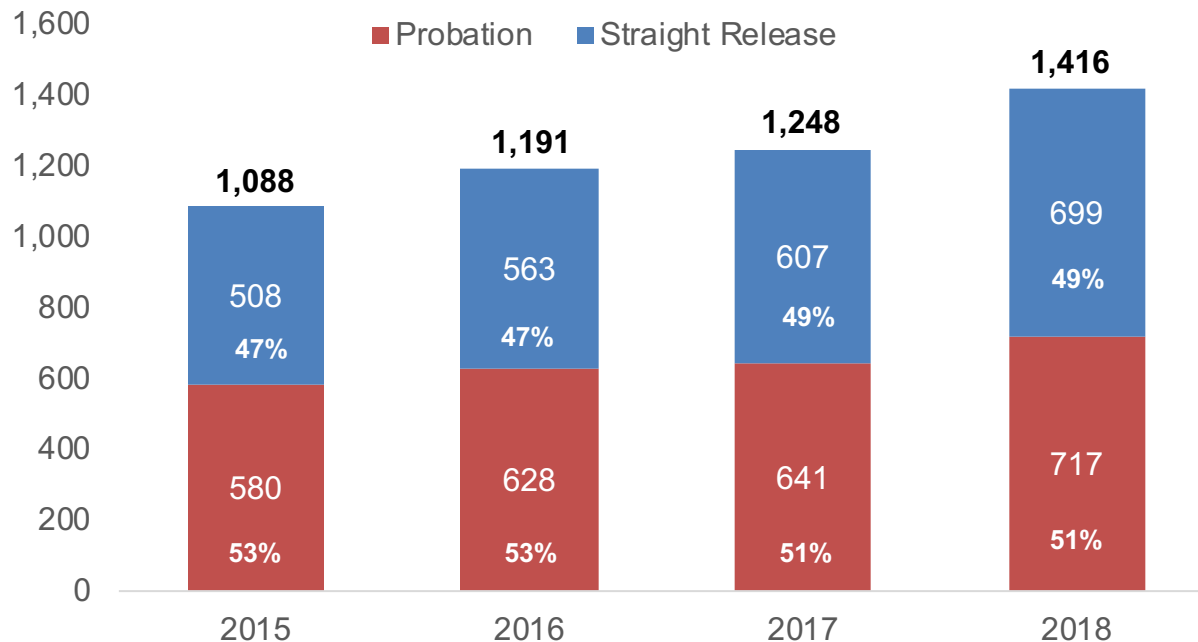
- 26% of all prison admissions in Maine were for new crimes committed while on probation.
- 18% of all prison admissions were for technical violations of probation conditions.

**Source:** Ryan Thornell, 2017 Year End MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2018) <https://www.maine.gov/corrections/quality-assurance/2017%20Year%20End%20Adult%20Data%20Report.pdf>;  
The Council of State Governments Justice Center, *Confined and Costly* (New York: The Council of State Governments Justice Center, 2019) <https://csgjusticecenter.org/confinedandcostly/>

## Over half of people released from prison in Maine are released to probation supervision.



Releases from MDOC Prisons, 2015–2018



In each of the past four years, more than half of people released from prison in Maine were released onto probation supervision.

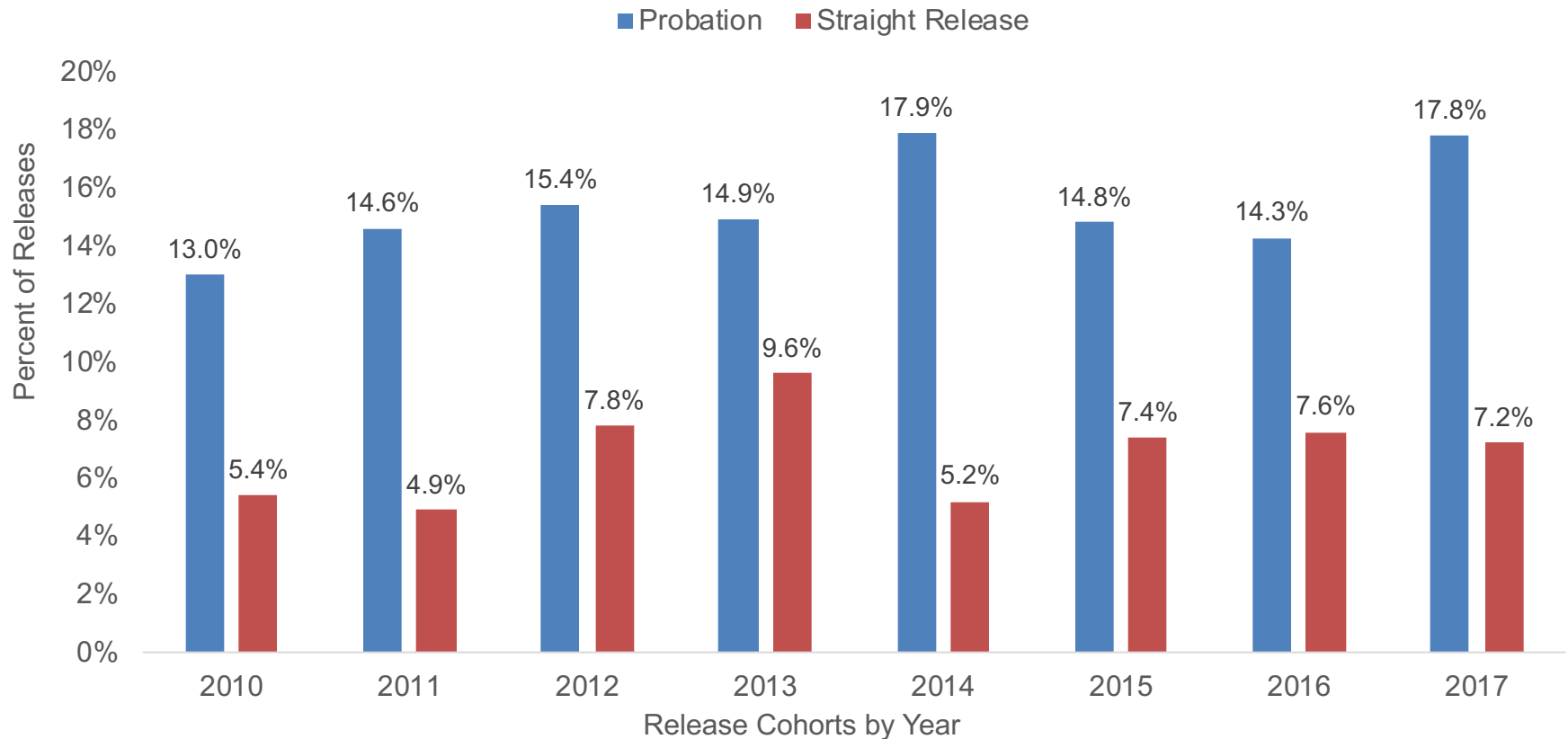
Additional analysis is needed to better understand admission and release dynamics, length of stay in prison and on probation, and more.

**Source:** Ryan Thornell, 2018 Year End MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2019), <https://www.maine.gov/corrections/quality-assurance/2018%20Monthly%20Year%20End%20Adult%20Data%20Report-r.pdf>.

# Nearly one-fifth of people released onto probation supervision in Maine return to prison within one year.



One-Year Return-to-Custody Rates by Release Type, 2010–2017

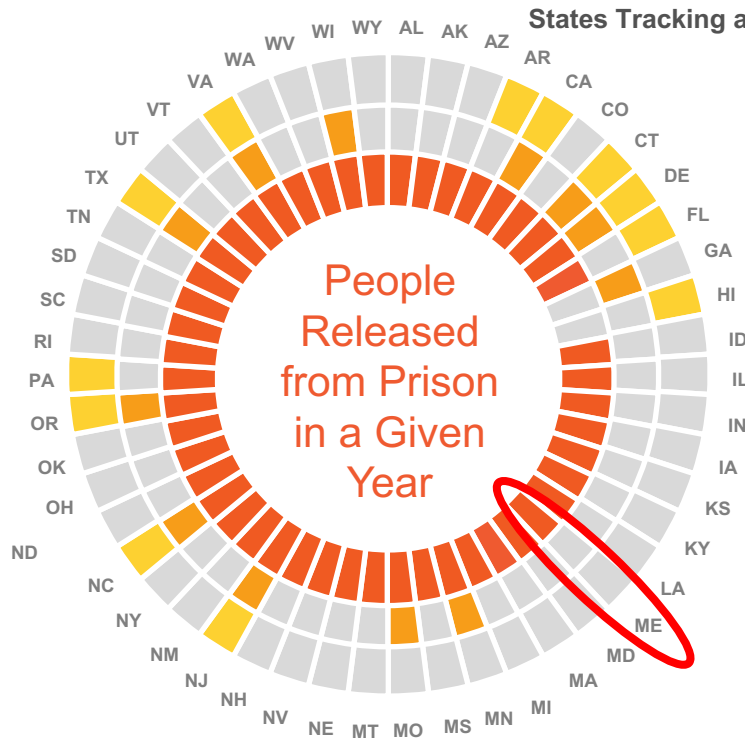


**Source:** Ryan Thornell and James Tanner, Return to Custody Report Three Year Post Release 2010-2014 (Augusta, Maine: Maine Department of Corrections, 2018) <https://www.maine.gov/corrections/quality-assurance/Return%20to%20Custody%202010-%202017%20One%20Year%20RCR%20Report%20Final%20Version.pdf>.

# Measuring and tracking recidivism information and trends can be improved in Maine.

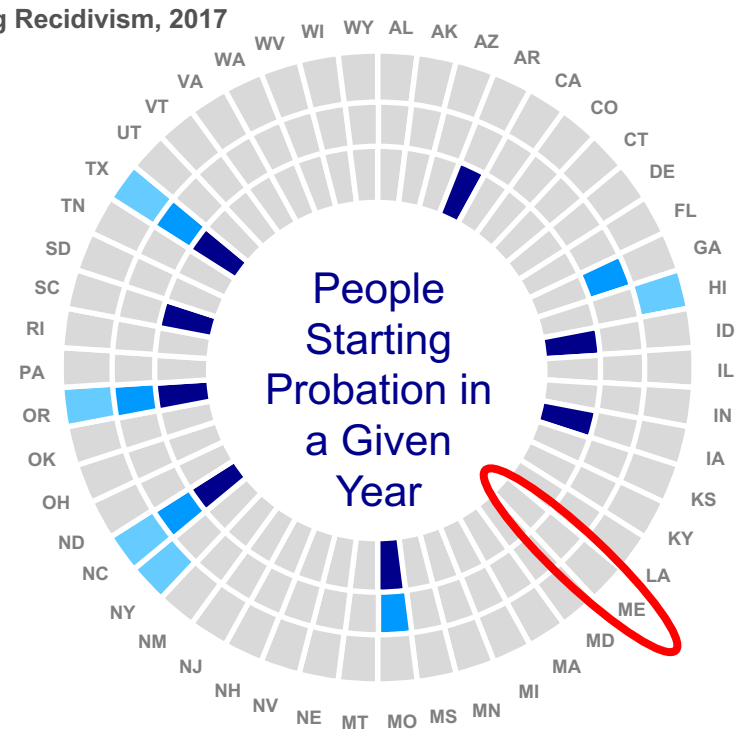
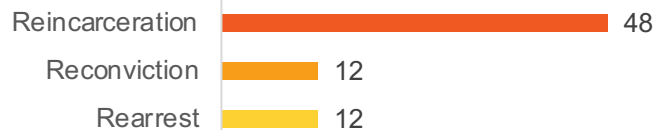


States Tracking and Publishing Recidivism, 2017



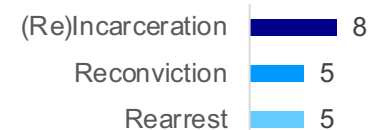
People  
Released  
from Prison  
in a Given  
Year

Number of states that track and publish recidivism data for people released from prison by:



People  
Starting  
Probation in  
a Given  
Year

Number of states that track and publish recidivism data for people starting probation by:



**Source:** Megan Grasso, Katie Mosehauer, and Michelle Rodriguez, *50-State Report on Public Safety* (New York: The Council of State Governments Justice Center, 2017). <https://50statespublicsafety.us/part-2/strategy-1/action-item-1/#graphic-1>; <https://50statespublicsafety.us/part-2/strategy-1/action-item-2/>.

Reentry is a challenge in Maine, both for incarcerated people reentering society and for staff working to prepare people for reentry.



**Reentry planning (also referred to as release planning) is a critical tool in helping those who have been incarcerated.** Reentry planning should take place in prison or jails and is designed to ensure a smooth, effective return to life in the community.

MDOC release planning practices:

- Release planning begins upon admission and assessment.
- Case managers begin intensive release planning 9 months prior to release from prison.
- Individualized release plans include post-release consideration of health, housing, employment, education, and more.
- Staff working on reentry plans seek to connect people being released to available resources provided by other state and local agencies.

DHHS  
Intensive Case Managers (ICM)

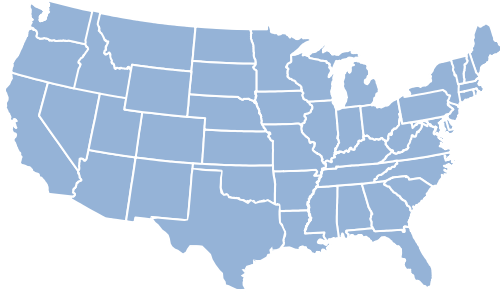
- Funded and administered by DHHS, ICMs are active in MDOC facilities and in many jails across Maine.
- Each ICM's role is to ensure connections to available community-based services for people with high needs, including mental health services, community case management, and supportive housing.
- ICMs can follow people after reentry to ensure that they maintain the necessary connection to care or services.

*Source: "Services for Successful Re-entry," Maine Department of Corrections, accessed September 4, 2019, <https://www.maine.gov/corrections/Services-for-Successful-Re-entry.htm>.*

Surveys indicate that most crimes are not reported and, therefore, official crime statistics do not accurately represent the amount of victimization.

*Victimization - Behavioral Health – Racial Disproportionality*

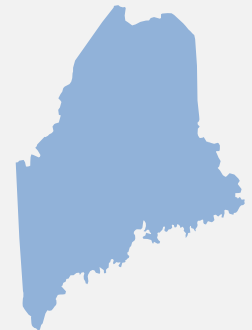
### Nationally...



- About **45 percent of violent incidents** were reported to police in 2017.
- From 2006 to 2010, the highest percentages of unreported crimes were among **household theft** (67 percent) and **rape or sexual assault** (65 percent) victimizations.

### ...and in Maine

- Less than a quarter—22.7 percent—of all incidents that were reported to interviewers were also **reported to local law enforcement**.
- Nearly **one in every seven respondents** indicated they had been the victim of **stalking behavior**. Stalking is often a precursor to other types of victimization: nearly one in five (19.7 percent) stalking victims were also threatened during the past 12 months.



**Sources:** “Data Collection: National Crime Victimization Survey,” United States Department of Justice, Bureau of Justice Statistics, accessed July 2019, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245> . Robyn Dumont and George Shaler, 2015 Maine Crime Victimization Survey, Informing Public Policy for Safer Communities (Portland, Maine; University of Southern Maine, Muskie School of Public Service, 2016), [https://cpb-us-w2.wpmucdn.com/wpsites.maine.edu/dist/2/115/files/2018/06/2015\\_Maine\\_Crime\\_Victimization\\_Survey\\_Report-2hdhnr.pdf](https://cpb-us-w2.wpmucdn.com/wpsites.maine.edu/dist/2/115/files/2018/06/2015_Maine_Crime_Victimization_Survey_Report-2hdhnr.pdf)



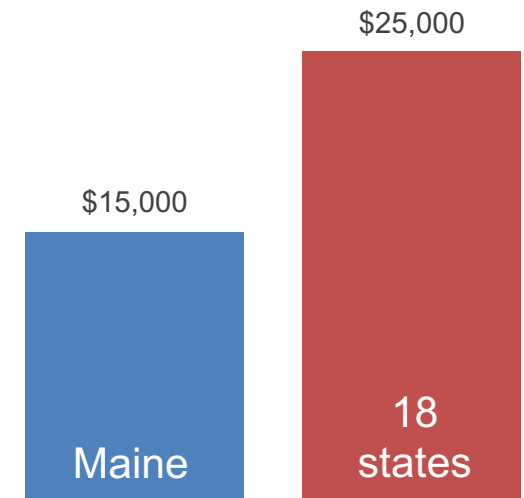
# Compared to neighboring states, few Maine victims of crime apply for or receive victim compensation.

## Victimization - Behavioral Health – Racial Disproportionality

### Statewide Compensation Report for Northeastern States, October 1, 2017–September 30, 2018

State	Population	Applications Received	Applications Approved	Approval Rate*
Connecticut	3,588,184	1,788	1,093	61%
<b>Maine</b>	<b>1,335,907</b>	<b>234</b>	<b>97</b>	<b>41%</b>
Massachusetts	6,859,819	1,336	783	59%
New Hampshire	1,342,795	595	506	85%
Rhode Island	1,059,639	1,162	798	69%
Vermont	623,657	512	475	92%

### Maximum Compensation Awards



*\*Applications and approval/denial do not necessarily happen in the same year. The claimant must apply for compensation within three years of injury or crime related loss, unless the victim is a minor or there is good cause for late filing.*

**Victims may face barriers in applying for compensation; for example, Maine does not provide victims with the ability to submit applications electronically.**

**Source:** "Providers/Community Leaders U.S. Resource Map of Crime Victim Services & Information," Office of Justice Programs, Office for Victims of Crime, accessed September 20, 2019, <https://www.ovc.gov/map.html>.

## Collection of victim restitution can be handled by the district attorney or MDOC, depending on the sentence.

### *Victimization - Behavioral Health – Racial Disproportionality*



Collection of victim restitution is a challenge in Maine. District attorneys collect restitution in many cases, some employing a dedicated staff member for this purpose. For people convicted of a felony offense(s) and sentenced to prison or probation, restitution collection is handled by MDOC. Per statute, collection of restitution via MDOC can include wage garnishments or collection from other income.

Restitution information for victims was last updated in 2006, and some notable changes in law have occurred since then.

LD 1550 (2019) would provide an alternative to reliance on restitution—a Victims' Compensation Fund for Victims of Property Crimes\*

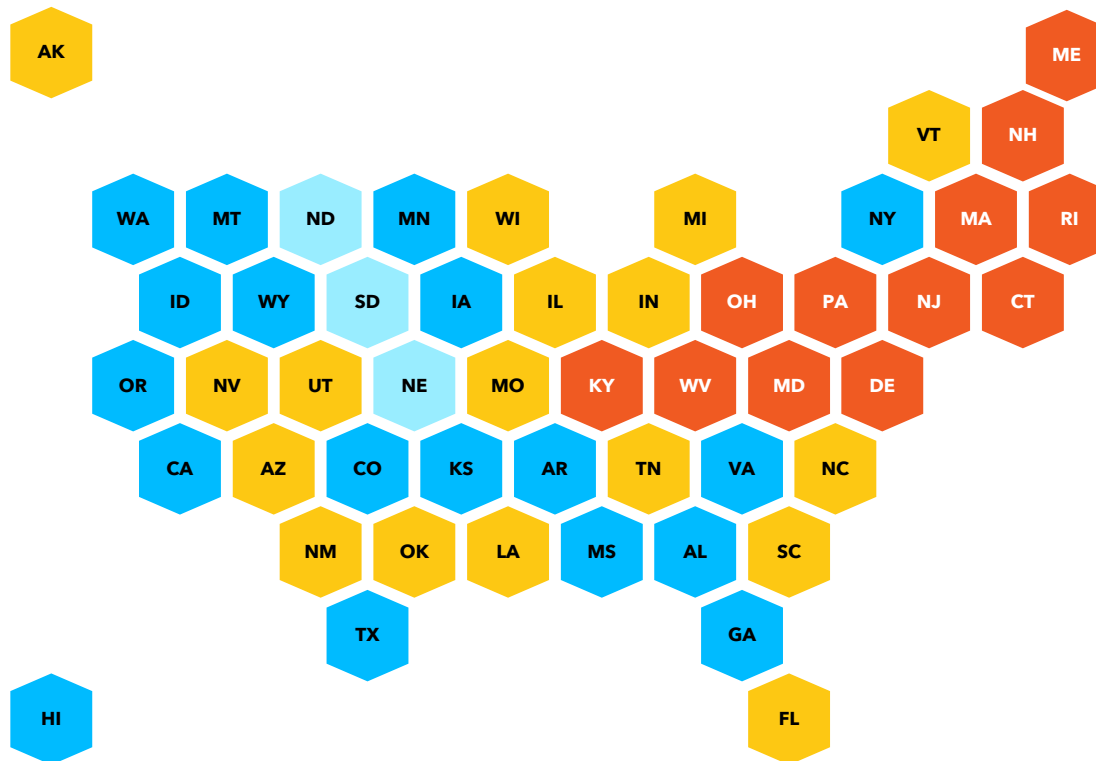
\*LD 1550 was passed by the legislature in June 2019 and is awaiting action by Governor Mills.

**Source:** *Victim Friendly Guide to Maine Court Ordered Restitution* (Augusta, Maine; Maine Department of Corrections, 2006), <https://www.maine.gov/corrections/VictimServices/CourtOrderedRestitution.pdf>.

# Maine's drug overdose death rate has been among the nation's highest in recent years largely due to opioids.

## Victimization - Behavioral Health – Racial Disproportionality

Drug Overdose Death Rate (per 100,000 Residents), 2017\*



**30 or more**

drug overdose deaths  
per 100,000 residents

**20–29**

drug overdose deaths  
per 100,000 residents

**10–19**

drug overdose deaths  
per 100,000 residents

**fewer than 10**

drug overdose deaths  
per 100,000 residents

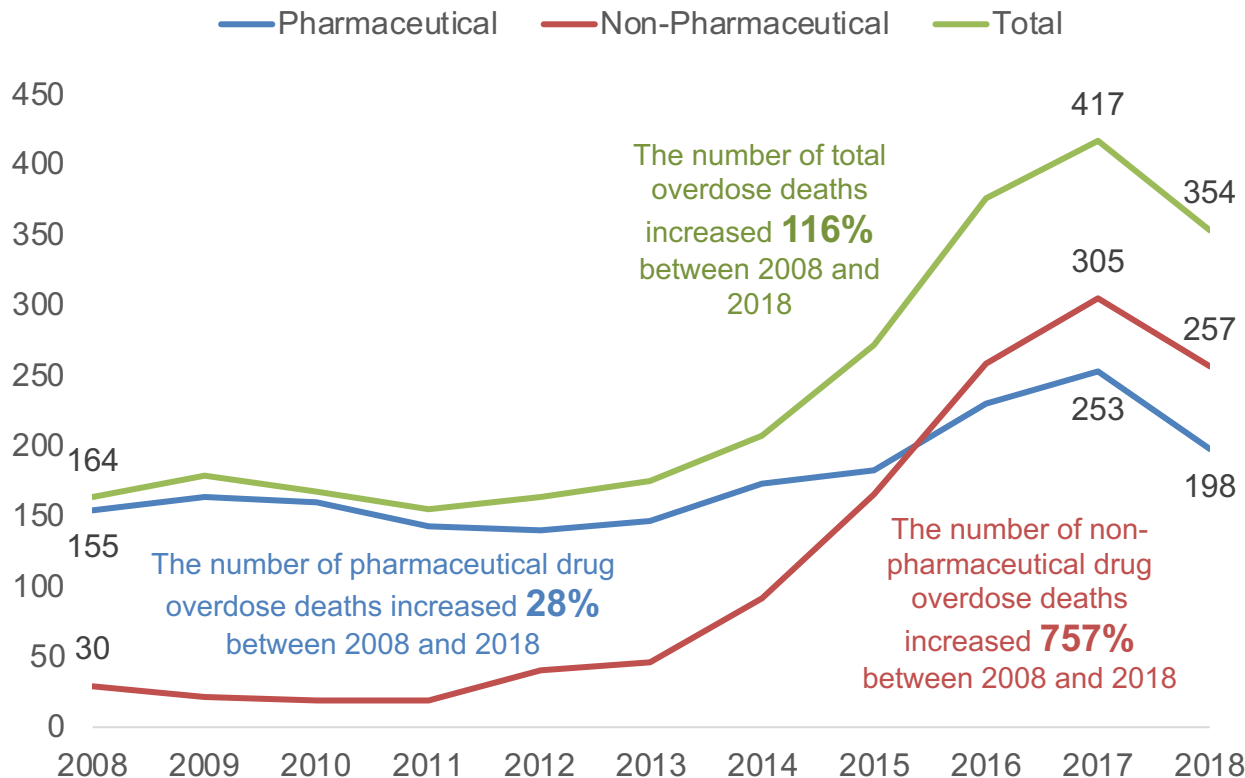
\*Age-adjusted death rates were used. See source for information on age-adjusted rates.

**Source:** Holly Hedegaard, Arialdi Miniño and Margaret Warner, Drug Overdose Deaths in the United States, 1999-2017. NCHS Data Brief, no 329 (Hyattsville, MD: National Center for Health Statistics. 2018) [https://www.cdc.gov/nchs/data/databriefs/db329\\_tables-508.pdf#3](https://www.cdc.gov/nchs/data/databriefs/db329_tables-508.pdf#3).

However, total overdose deaths in Maine declined in 2018 for the first time since 2011.

Victimization - Behavioral Health – Racial Disproportionality

Total Drug Overdose Deaths in Maine by Pharmaceutical and Non-Pharmaceutical Drug Type, 2008–2018



**2018 drug overdose deaths:**

**80%**

caused by opioids

**80%**

caused by two or more drugs

**231**

deaths caused by non-pharmaceutical opioids

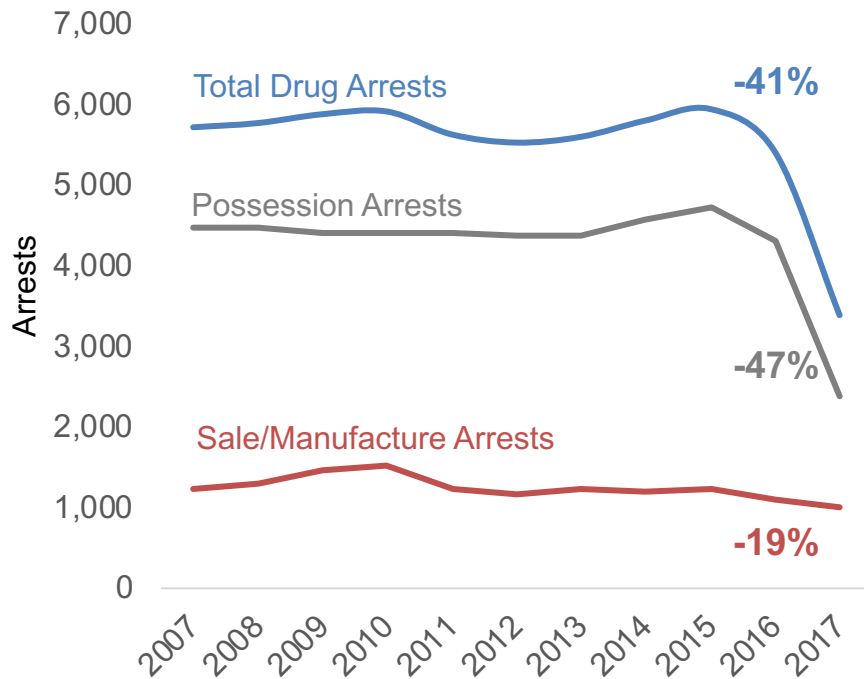
*Number of drug-induced deaths in Maine, with subtotals for deaths caused by any pharmaceutical drugs and for deaths caused by any illicit (non-pharmaceutical) drugs. Most deaths are caused by more than one drug. Pharmaceutical and illicit drugs may be combined to cause death. Note: 2017 total was revised from 418 to 417 subsequent to the release of the 2017 report.*

**Source:** Marcella H. Sorg, Expanded Maine Drug Death Report for 2018 (Orono, Maine; University of Maine, 2019), <https://htv-prod-media.s3.amazonaws.com/files/me-2018-annual-dd-report-final-1555603539.pdf>.

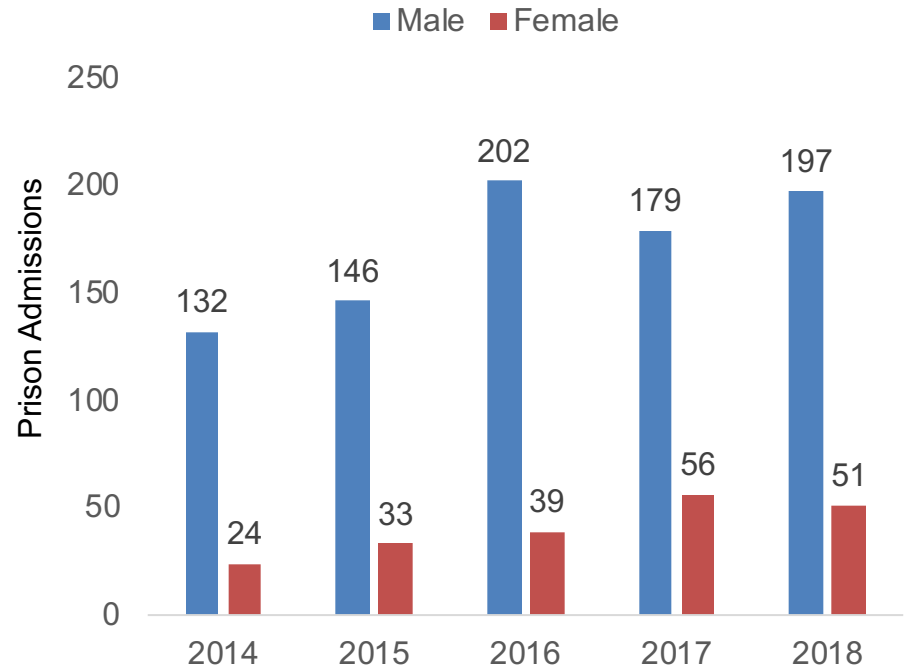
The opioid crisis, and substance addiction generally, have substantial impacts on both local and state criminal justice systems.

*Victimization - Behavioral Health – Racial Disproportionality*

Maine Drug Arrests, 2007–2017



New Crime Admissions to MDOC for Drug Offenses, 2014–2018



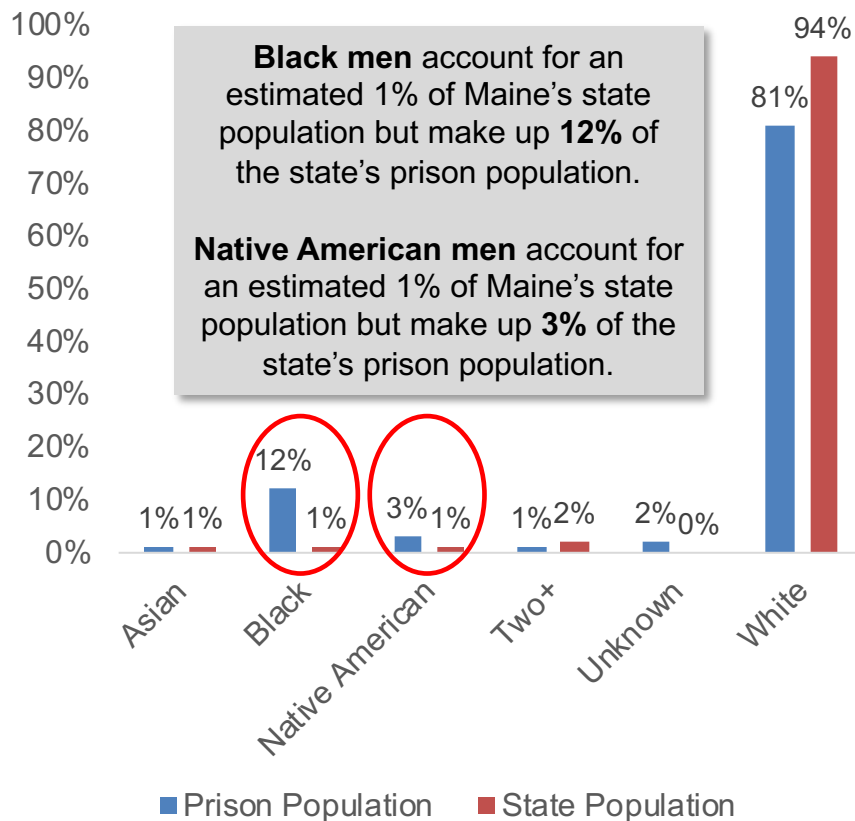
As of July 2019, 531 people in prison in Maine (24% of the state's total prison population) were **incarcerated for a drug offense**.

**Source:** Maine Department of Public Safety, Crime in Maine, 2017 (Augusta, Maine; Maine Department of Public Safety, 2017), [https://www.maine.gov/dps/cim/crime\\_in\\_maine/2017pdf/Crime%20in%20Maine%202017.pdf](https://www.maine.gov/dps/cim/crime_in_maine/2017pdf/Crime%20in%20Maine%202017.pdf); Maine Department of Public Safety, Crime in Maine, 2017 (Augusta, Maine; Maine Department of Public Safety, 2007), [https://www.maine.gov/dps/cim/crime\\_in\\_maine/2007pdf/Crime%202007.pdf](https://www.maine.gov/dps/cim/crime_in_maine/2007pdf/Crime%202007.pdf); Ryan Thornell, August 2019 MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2019) <https://www.maine.gov/corrections/quality-assurance/Aug%202019%20Monthly%20Adult%20Data%20Report.pdf>.

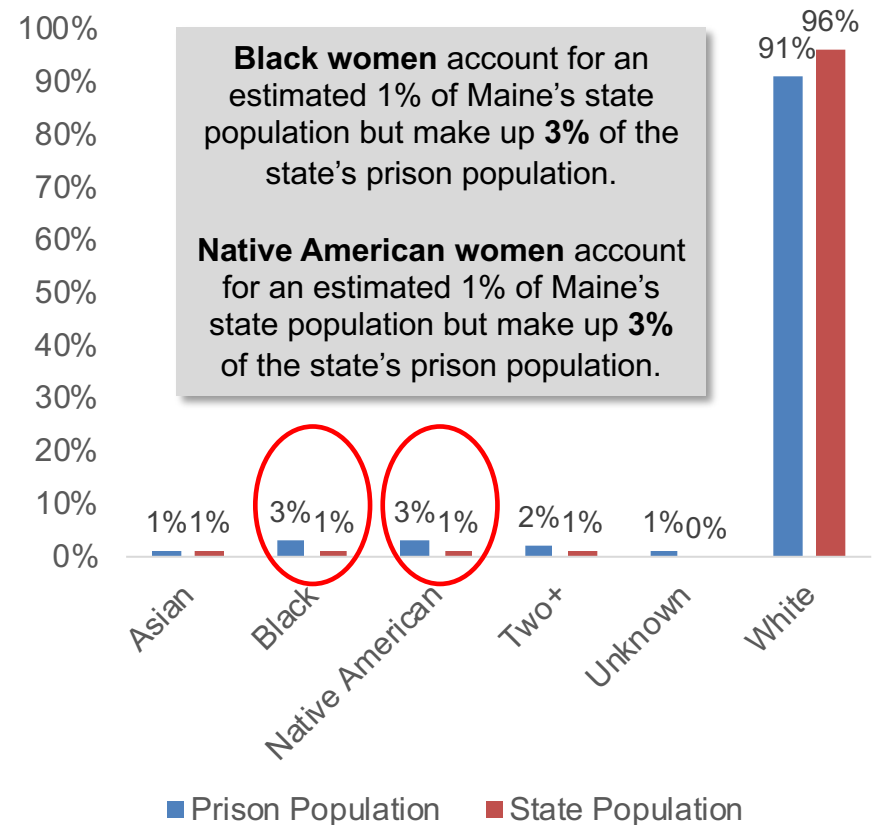
# Black and Native American people are overrepresented in Maine's prison population.

## Victimization - Behavioral Health – Racial Disproportionality

2018 Maine Male Prison Population by Race, Compared to 2017 Census Estimates



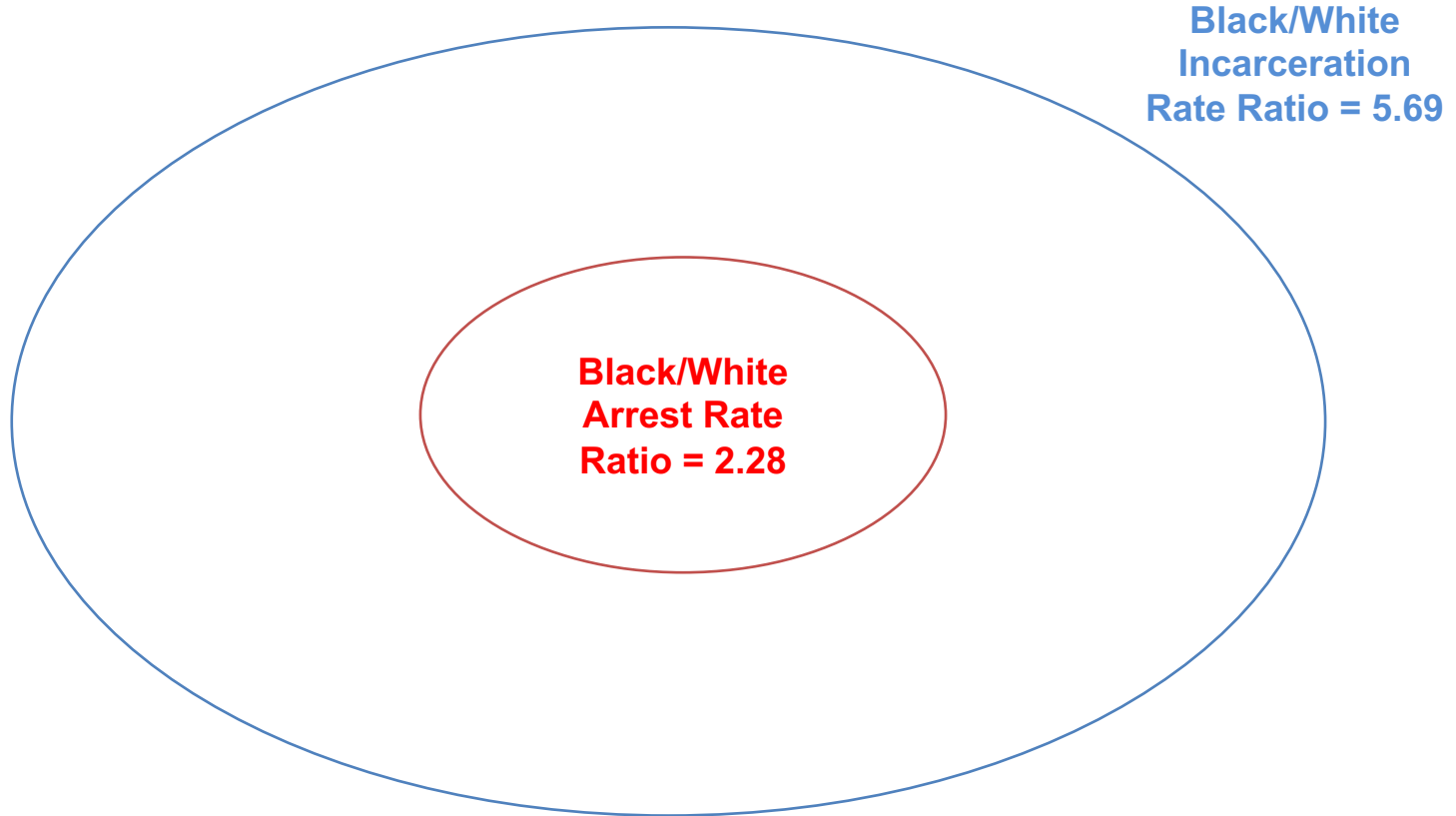
2018 Maine Female Prison Population by Race, Compared to 2017 Census Estimates



**Source:** Ryan Thornell, 2018 Year End MDOC Adult Data Report (Augusta, Maine: Maine Department of Corrections, 2019), <https://www.maine.gov/corrections/quality-assurance/2018%20Monthly%20Year%20End%20Adult%20Data%20Report-r.pdf>; *US Census 2017*

Nationally, the ratio of black to white incarcerated people is more than twice the ratio of black to white people who are arrested.

*Victimization - Behavioral Health – Racial Disproportionality*



As people move through the criminal justice system, disparities become cumulative.

*Source: Dr. Stan Orchowsky, presentation to the National Association of Sentencing Commissions, August 2019. Information derived from Prisoners in 2017, Bureau of Justice Statistics, and Federal Bureau of Investigation Uniform Crime Reports, 2017.*

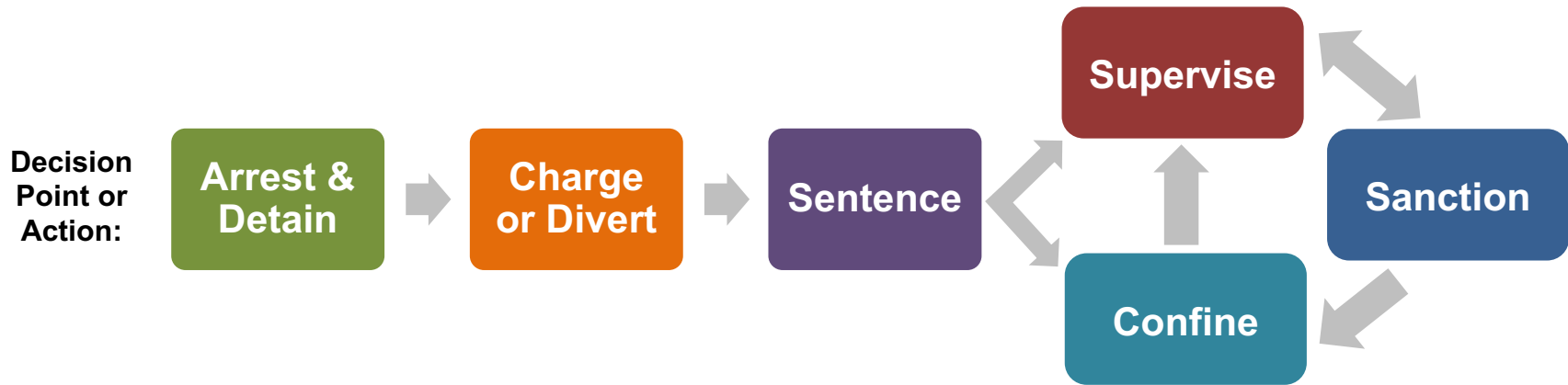
## Key questions regarding cross-cutting themes

### *Victimization – Behavioral Health – Racial Disproportionality*

1. Are there changes to eligibility and processes that would ensure that more victims of violent crime utilize available compensation resources?
2. How are Maine's efforts to devise a systematic and robust mechanism for state support of community justice and behavioral health initiatives working to address the needs of each community?
3. Can appropriate policy changes to key decision points in the system lead to reductions in racial disproportionality in the prison population?



## Key questions and themes for each point in the system



1. Are Maine leaders and stakeholders ready to make changes to the **bail and defense** systems that will improve outcomes “downstream”?
2. Can **prosecution decisions** to charge or divert be analyzed to quantify the diversion resource needs of each community and expand access statewide?
3. Are there opportunities in sentencing and **sentencing resources** to ensure that people in the criminal justice system receive the most appropriate intervention for long-term success?
4. Is Maine’s **probation** system equipped to maximize its potential to reduce recidivism?
5. Are there opportunities for Maine to confine **women** separately and gender responsively?
6. Can **revocations**/sanctions to jail and prison be swift and proportional?

## Presentation Overview

- 1 Justice Reinvestment and the CSG Justice Center
- 2 Maine's Criminal Justice Challenges
- 3 Next Steps

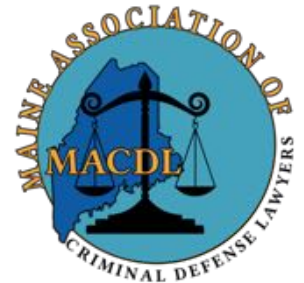


The process of collecting case-level data from state and local criminal justice agencies in Maine is underway.

Justice Reinvestment Data Request Update		
Data Requested/To Be Requested	Source	Status
<b>Arrests/Criminal History</b>	Maine Department of Public Safety	Received, analyzing
<b>Court Filings and Sentences</b> Charges, dispositions and sentences, specialty court dockets	Maine Administrative Office of the Courts	Received, analyzing
<b>Prosecutorial Data</b> Charges, filings, dispositions and sentences, diversions	District Attorneys	Received
<b>Probation</b> Admissions, terminations, programs, sanctions	Maine Department of Corrections	In process
<b>Prison</b> Admissions, releases, programs	Maine Department of Corrections	In process
<b>County Jail</b> Bookings, releases	Counties/Sheriffs Offices	Exploring scope of data and parameters of request

# Engagement of Maine leaders and criminal justice stakeholders by CSG Justice Center staff is ongoing.

Since spring 2019, CSG Justice Center staff have traveled to Maine on multiple occasions and spoken with more than 60 state and local leaders and criminal justice stakeholders, including:



**MAINE PRETRIAL SERVICES**



**Maine Municipal Association**



**Maine**

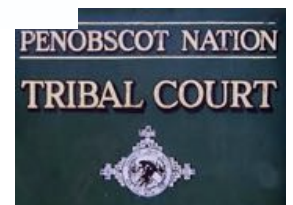


**UNIVERSITY OF SOUTHERN MAINE**

Muskie School of Public Service



**mecasa**  
MAINE COALITION AGAINST  
SEXUAL ASSAULT



...and more!

## Justice Reinvestment in Maine can complement other relevant, ongoing studies and initiatives in the state.

As in many states, the policy landscape in Maine is constantly evolving. Discussions with Maine leaders and stakeholders have highlighted a number of active studies and initiatives that are likely to produce results that are relevant to the Justice Reinvestment process or potential policy options. These studies and initiatives include the following:

- Governor Mills's **Addiction and Recovery Cabinet**, which is assessing and developing policies to address the opioid crisis and other behavioral health concerns in Maine
- **Pre-Trial Justice Reform Task Force**, currently in its second iteration, overseen by Chief Justice Saufley and staff at the Administrative Office of the Courts
- **“Map and match”** work being conducted by The Pew Charitable Trusts for the Maine Department of Health and Human Services
- A study of the needs and challenges for Maine's **mental health system**, as required by LD 1602 (2019)
- Quantitative analysis being conducted by the Muskie School for Public Service using **jail data** provided by the Maine Sheriffs Association to understand the dynamics of arrest, citation and release, probation revocations, and short incarceration sentences
- An interim study of Maine's **jail funding protocol** being conducted by the legislature's Joint Committee on Criminal Justice and Public Safety



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS

# Thank You

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