

Criminal Justice & Public Safety Committee: County Jail Funding
Meeting #5 | December 10, 2019 | 10:00 am | Room 436 State House

10 A.M.

Introductions

Senator Susan Deschambault, Senate Chair, Criminal Justice and Public Safety Committee
Representative Charlotte Warren, House Chair, Criminal Justice and Public Safety Committee

Public input from *Rebecca Graham, Maine Municipal Association, Peter Lehman, Maine Prisoner Advocacy Coalition, Bill Doyle, Regional Director, National Correctional Employees Union, and Commissioner Randall Liberty, Department of Corrections*

Presentation of position statement on draft committee amendment to LD 973, *An Act to Stabilize County Corrections*, with focus on the county tax assessment for correctional services (Title 30-A, section 701, subsection 2-C) and the definition of “state sanctioned inmate”

Maine Sheriffs’ Association

Maine Association of County Clerks, Administrators and Managers

Maine County Commissioners Association

12 P.M – 1 P.M. LUNCH BREAK

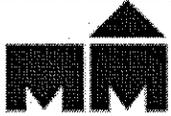
1 P.M.

Committee discussion, presentation of ideas and development of consensus

Orbeton, Jane

From: Rebecca Graham <RGraham@memun.org>
Sent: Tuesday, December 3, 2019 12:33 PM
To: Deschambault, Susan; Warren, Charlotte; Orbeton, Jane
Subject: MMA Presentation December 10, 2019 Meeting Re: Jail Funding
Attachments: MMA County Tax Survey.pdf; Criminal Justice - Sidebar - Final.docx; Jail Funding Muni vs State 2010-2018.pdf

This message originates from outside the Maine Legislature.



Maine Municipal
Association

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To: Senator Deschambault and Representative Warren, CJPS Chairs
Fr: Rebecca Graham, Legislative Advocate, Maine Municipal Association
Re: December 10, 2019 Meeting Re: Jail Funding
Date: December 3, 2019

Thank you for making time to hear from municipal voices at the next meeting of the special study committee examining jail funding. I'm looking forward to sharing with you the municipal perspective on the perennial jail funding problem. Municipal leaders firmly believe the property tax cap has proven its worth because each of you are spending a great deal of time examining the funding pressures on a system that are fundamentally different than they were 10 years ago. Without this, there would be no impetus for studying the impact of mandatory minimum sentencing requirements and conditions inside the county jail with as much detail as you have since last January.

For your information and review, attached to this memo are the materials I intend to cover at next week's meeting. The first documents provides detailed results from a survey MMA recently conducted which asked municipal officials their position on the proposal to eliminate or adjust the property tax cap.

Two themes emerged from the survey.

First, municipal officials overwhelmingly oppose an initiative seeking to adjust the existing cap, because they firmly believe the property taxpayer contributions for funding jails, and all other county operations for that matter, are at the maximum tolerable by their residents.

Second, although municipal officials sit on county jail budget committees, not all of these committees have final authority over the proposed budgets. In 8 counties, that authority rests with the county commissioners. Furthermore, and even in counties where budget committees have the final say, the exercise is generally a rubber stamp activity as there is little to no discretionary funding proposed by jail administrators. There is no power to shape, drive, or influence incarceration spending from the local level as jail administrators are responding to their state established and mandated standards. The survey shows that municipal officials think that a lack of control over these expenditures, and a severe

lack of transparency in the current process for the property taxpayer is a serious problem that must be resolved. The survey also highlights that reducing existing gaps in accountability, reporting, and budgeting transparency in is paramount before any tax cap adjustment is pursued. To underscore this observation I have also included a chart of showing state and local financial contributions for county jails over time.

The third attachment is an article that will be in the December edition of MMA's Town and City magazine, which summarizes some of the information municipal police chiefs shared with Ben Shelor as part of the Justice Reinvestment study stakeholder process. Municipal officials and police have been a significant player in the diversion process using local philanthropy to create community-based programs designed to keep residents out of jails whenever possible. In tandem with these programs, municipal police report spending significantly more time on calls trying to resolve problems in the field in order to avoid arrest wherever possible. If an individual is diverted from the criminal justice system at the local level, this activity is not reflected in reported court or justice data.

Additionally, cut backs in mental health services have meant the loss of very successful long-term crisis worker ride-a-long programs. These program have successfully connected individuals in crisis with needed treatment services, while improving public safety and avoiding incarceration.

As the report from the Justice Reinvestment Center highlights, 77% of those incarcerated are there for offenses where there is no officer discretion for arrest. As reported by the courts, the numbers of summons in lieu of arrests are overwhelmingly occurring, but the defaults on those summons are occurring at the same rate. Once an arrest warrant is issued, regardless of the severity of the original offense, there is no discretion for an officer to avoid arrest. It remains vital that this committee understand reductions in local revenue for increased incarceration fundamentally undermines local law enforcement efforts.

Municipal officials are committed to working with their county partners to address the underlying causes of incarceration and in most cases have already been leading the way within municipal boundaries and would welcome state investment in these programs. While officials support the idea of increased state funding for the proposed definition of state sanctioned inmates, and are willing to support the counties in achieving the accountability required by the Department of Corrections to make this solution palatable, it remains unclear why a property tax cap adjustment would be necessary if this section of the proposal is accepted by the committee and stakeholders.

However, municipal officials are unwilling to expose the property taxpayer to further funding requests for a system that is fundamentally broken by a lack of state investment in diversion, mental health, substance use disorder, and statutory obligations. Each time a decision is made to take more local revenue away from these important incarceration diversion programs the recidivism cycle is exacerbated and community supports are starved. The Association and municipal officials ask that you protect—not expand—the 80% contribution taxpayers already provide by committing more targeted state revenue to address the underlying problems with the current jail funding model.

Rebecca J. Graham

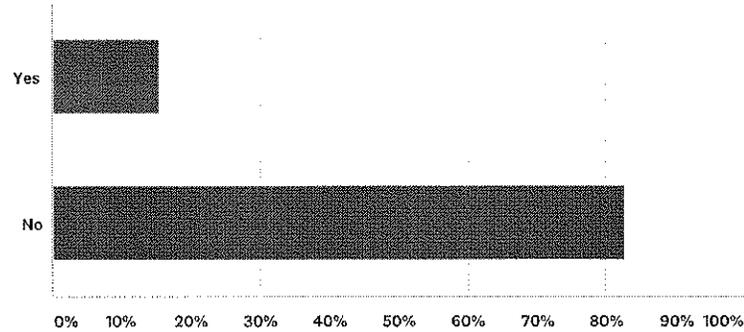
Legislative Advocate
State & Federal Relations Department

Maine Municipal Association

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Q1 Do you believe the county tax assessment limit should be increased or removed?

Answered: 52 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	15.38%	8
No	82.69%	43
Total Respondents: 52		

#	ADDITIONAL COMMENTS	DATE
1	the cost for housing prisoners is the State's responsibility	11/27/2019 2:33 PM
2	Oh please no. find another means of taxation to support county government.	11/26/2019 11:13 PM
3	There should be a yearly CPI increase or there should be a review of what the actual costs are; the tax limit shouldn't be arbitrary, but not removed either. Would help if the state would pay their share and this wouldn't be an issue.	11/25/2019 4:38 PM
4	I believe until there is another financing option in place that offers alternatives other increasing property taxes through the county budget, the assessment limit should remain. Simply shifting liability to the property tax payer is not the answer.	11/25/2019 1:33 PM
5	We presently give them \$260,204 each year and we receive NO services. We have called, they say call the State Police. We need to pay close to another \$300,000 to cover for all of the officer's education for 8 hours of coverage a day. What is the \$260,204 used for?	11/22/2019 3:07 PM
6	On small rural towns it is hard already. The amount rises our taxes 2 mils.	11/22/2019 2:24 PM
7	It's not unusual for the Franklin County Jail to have more people working in the facility than there are people in the jail and eliminating the limit would be disastrous for municipal property taxpayers.	11/22/2019 2:07 PM
8	I agree with MMA -- maintaining the caps is vital to shielding our taxpayers from runaway increases in their local property taxes.	11/22/2019 1:44 PM
9	The property taxpayers should not be forced to pay what is essentially a state responsibility.	11/22/2019 1:16 PM
10	Costs are driven by contracts, lack of staff, and no reserves for purchases or projects.	11/21/2019 10:40 PM
11	If it is to be increased, it should be by an affirmative vote of the governing boards of 2/3 of the communities in the county.	11/21/2019 9:40 PM
12	State of Maine tax revenues should be utilized to fund increased jail costs	11/21/2019 8:22 PM
13	Municipalities are saddled with a tax assessment limit so counties should be as well. If counties want to bill and collect their own taxes and be responsible directly to the taxpayers increasing or removing the limit might be acceptable but to just pass the "heavy lifting" on to municipalities to take the brunt of decisions made by a few at the county level is unfair.	11/21/2019 8:09 PM
14	Leave as is	11/21/2019 7:47 PM
15	You need to work within your budgets, find ways to better address the drug issues with treatment within the medical profession. Incarceration for long periods of time is non productive. People are leaving the co due to rising costs in property taxes. Throwing money at the problem will not help.	11/21/2019 7:40 PM
16	I have consistently supported the state taking over the jail system and integrating it into a single, state-wide correctional system that could benefit from scale and the ability to manage and move inmates as required to use existing space and avoid or at least defer jail expansions.	11/21/2019 7:39 PM
17	Each county should be responsible for the county's operations. There might be greater reward or consequence for voters when they consider how their vote would impact tax rates.	11/21/2019 7:07 PM

County Tax Assessment Survey

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| 18 | Remove it. Since municipal officials will be the ones on the front line of explaining the cost to residents, it might actually start to shift the conversation to the local level when the bill goes up. | 11/21/2019 6:56 PM |
| 19 | This adjustment allows the county to continue to assess amounts to the municipalities without check. There is no reimbursement should the county receive above their anticipated revenue. | 11/21/2019 6:53 PM |

County Tax Assessment Survey

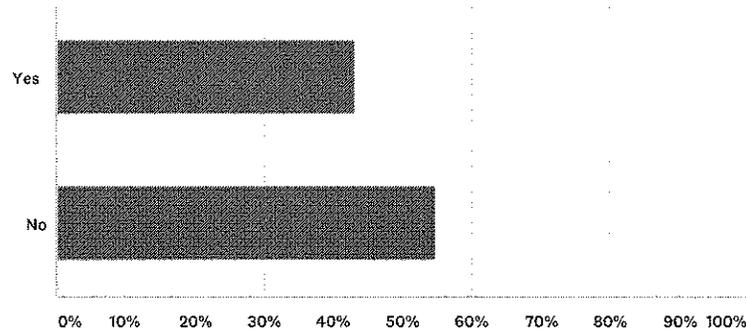
Q2 If yes, which option do you prefer: upward adjustment or removal?

Answered: 15 Skipped: 37

#	RESPONSES	DATE
1	NA	11/26/2019 9:09 PM
2	NA	11/26/2019 4:17 PM
3	adjustment	11/25/2019 4:38 PM
4	Remove	11/24/2019 12:34 AM
5	N/A	11/22/2019 2:24 PM
6	N/A	11/22/2019 2:08 PM
7	Neither.	11/22/2019 1:44 PM
8	Upward adjustment.	11/21/2019 9:40 PM
9	Removal	11/21/2019 7:53 PM
10	leave as is	11/21/2019 7:47 PM
11	Removal	11/21/2019 7:45 PM
12	Removal. Ultimately, county officials are elected by the people and county elections are often uncompetitive and Mainers are unfamiliar with their commissioners. It's time we start paying attention to the expensive county operations.	11/21/2019 7:07 PM
13	Removal	11/21/2019 6:57 PM
14	Removal	11/21/2019 6:56 PM
15	upward adjustment	11/21/2019 6:49 PM

Q3 Do you have input on the county tax budget process?

Answered: 51 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	43.14%	22
No	54.90%	28
Total Respondents: 51		

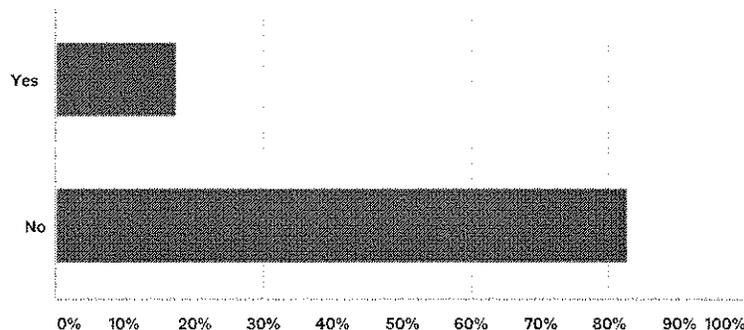
#	ADDITIONAL COMMENTS	DATE
1	I have been on the Somerset County Budget Committee since 2000 and have been chair for the past 3 years	11/27/2019 2:33 PM
2	Smaller towns get no say, none that I've ever seen.	11/26/2019 11:13 PM
3	Only through the general Budget Committee and budget public hearing processes.	11/26/2019 4:17 PM
4	Each county's budget process is different - some counties budget committees have final say, whereas other counties the commissioners have final say on the budgets. Seems that they should all be the same.	11/25/2019 4:38 PM
5	Difficult question to answer as the budgets are completely set, then voted on per department. In the past prior county commissioners have asked one person to represent our community at the final meeting, however all have said everything is done and the county is simply asking for approval. Because of this, local representation to the committee is difficult.	11/25/2019 1:33 PM
6	Serve as member of County Budget Committee	11/24/2019 7:40 PM
7	One of our Selectmen is on the County Budget Committee.	11/22/2019 2:07 PM
8	Although, as with the budget of our regional school unit, it seems that the local input offered makes very little difference in the final budget proposals of the county or the RSU.	11/22/2019 1:44 PM
9	York County has a budget committee	11/22/2019 1:35 PM
10	Budget committee	11/21/2019 10:40 PM
11	Directly - no. We have a representative on the County Budget Committee and on County Commissioners.	11/21/2019 9:40 PM
12	The county budget committee has input.	11/21/2019 9:17 PM
13	County taxes should be collected from municipalities in four assessments spread out over the year to be more aligned with the way municipalities collect them.	11/21/2019 8:22 PM
14	While my answer is "yes" the process for input is not welcoming. For those not directly connected to the inner workings of county government it is difficult. I suspect that the average county resident would have no idea about how or when to participate to have meaningful participation in the county budget process	11/21/2019 8:09 PM
15	By voting	11/21/2019 7:40 PM

County Tax Assessment Survey

- 16 Kind of. There is a county budget committee composed of two representatives from each Commissioner District, one of whom is a municipal official and the other a resident. As noted, however, this committee is advisory only thanks to a bait and switch undertaken by the Commissioner subsequent to approval of a new County Charter. That Charter, as initially drafted and presented to the municipal community, provided a super majority of the budget committee to make line item adjustments in the budget. After the Charter was approved and under the guise of "technical corrections," the County went to the legislature and got the charter amended to render the budget committee advisory only. I should also note that the County budget is not heavily covered by the media nor is there significant public involvement at the required budget hearing. It generally flies under the radar. Finally, most residents likely do not even know that the municipal property tax includes the county. 11/21/2019 7:39 PM
- 17 As a resident, yes. But the time and energy to get there is not ideal. 11/21/2019 6:56 PM

Q4 Do you feel you can control county jail expenditures?

Answered: 52 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	17.31%	9
No	82.69%	43
Total Respondents: 52		

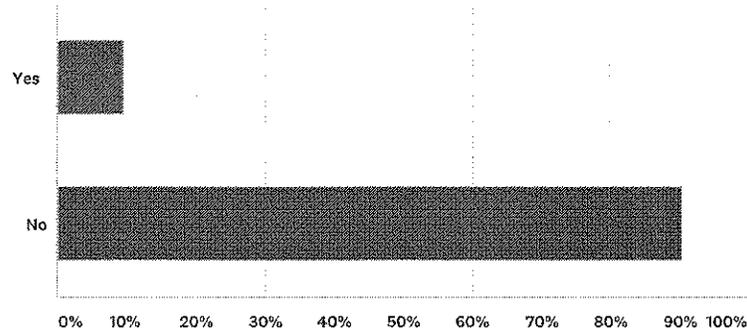
#	ADDITIONAL COMMENTS	DATE
1	Somerset County tries hard to contain costs but the state keeps adding mandates the jail are required to fulfill.	11/27/2019 2:33 PM
2	No more than we can control school expenses in an RSU.	11/26/2019 11:13 PM
3	I believe the question is larger then this. County jails are the topic of this survey however funding and benefits for other departments within our sheriffs office are reportedly much higher then their community counterparts. The proper place for medical and counseling services on an ongoing basis should not be done in a jail setting. Separate re-hab type facilities out side of the correctional setting with guidelines set by the courts would appear to be more cost effective then building a jail / rehab facility.	11/25/2019 1:33 PM
4	Only somewhat through good management. Many factors driving costs are beyond county control	11/24/2019 7:40 PM
5	County Jails are very inefficient and should be eliminated and run as one system by the State allowing for much more efficiency and much less burden on the property tax.	11/22/2019 2:07 PM
6	Although our municipality has a great working relationship with our sheriff, we have no control over jail expenditures ... and that's as it should be. We would not want the county having any control over what we spend on roads or fire protection.	11/22/2019 1:44 PM
7	Concerned that the head of the jail operations is an elected official that serves as an executive with executive authority. County jails should be removed from the authority of the elected County Sheriffs and professionally administered	11/22/2019 1:35 PM
8	Aside from mandated correctional responsibilities (which, again, the state should fund), it is the role of the County Commissioners and County Budget Committee to control jail expenses.	11/22/2019 1:16 PM
9	If this means 'does one feel the county jail expenditures can be controlled, then yes. If I feel like I personally can control them, then no. Poor wording.	11/22/2019 12:56 PM
10	You have to be able to make thought decisions and work within your parameters. However if State mandates arise they should be partially funded at state level until reserves can be established to continue.	11/21/2019 10:40 PM
11	The counties are in a difficult position. They do not have control over the number of people being sentenced into their jails. And, of course, they are having to deal with substance abuse, mental health, and psychotropic issues which are a huge challenge. Jails are the mental health institutions of last resort!	11/21/2019 9:55 PM
12	Nor can the Sheriffs based on the State legislature and executive branches determining level of service.	11/21/2019 8:22 PM
13	While I believe that I have no direct control over jail expenditures beyond ensuring that I do not become incarcerated, I have faith that our Sheriff, our County Administrator, the County Commissioners and the Budget Committee do provide a fair amount of oversight over the budget process.	11/21/2019 7:53 PM
14	some parts	11/21/2019 7:47 PM
15	That is why I am not in favor raising the limit. If you can, you will raise taxes..	11/21/2019 7:40 PM

County Tax Assessment Survey

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| 16 | As noted above, we have limited say and the County is subject to numerous state requirements and mandates, another reason for the state to run the entire show since they seem to want to tell the counties how to do it. This is not, obviously, all the fault of county government. It is a reflection of deeper issues affecting the criminal justice system including a questionable bail system, lack of prosecutorial and judicial resources, using jails as drug treatment and mental health facilities, etc. | 11/21/2019 7:39 PM |
| 17 | It starts with casting your vote for like-minded commissioner candidates in competitive races. Mainer's have to stop being so apathetic at the local and county levels. | 11/21/2019 7:07 PM |
| 18 | maybe not directly, but by funding or advocating for programs that help with recidivism, mental health, and drug addiction, we may be able to reduce the number of people that we "need" to incarcerate | 11/21/2019 6:56 PM |

Q5 Do you feel like property tax payers understand or have input in the county budget process?

Answered: 52 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	9.62%	5
No	90.38%	47
Total Respondents: 52		

#	ADDITIONAL COMMENTS	DATE
1	No it has never been explained to tax payers.	12/1/2019 3:56 PM
2	They don't necessarily understand it but all have the option of attending all meetings and providing public comment or input.	11/27/2019 2:40 PM
3	No to both.	11/26/2019 11:13 PM
4	The vast majority of property tax payers focus only on the municipal budget process and have very little knowledge of, and do not participate in, the County (or School, for that matter) budget process.	11/26/2019 4:17 PM
5	It is difficult to engage property tax payers due to the lifestyles working families have. The time I hear the most complaints are when tax bills are issued and paid. Many promise to be part of the next funding cycle but few volunteer their time. A suggestion might be to conduct county budget workshops in the communities asked to fund county taxes to maximize community involvement.	11/25/2019 1:33 PM
6	We have to fund the jails.	11/22/2019 4:08 PM
7	The tax burden is already at a point where the Town has trouble handling it . More importantly is the effect on the tax payer.	11/22/2019 2:08 PM
8	In fact, most of the taxpayers we encounter do not understand that the vast majority of the taxes they pay go to the RSU and the county. That's because they pay all of their taxes to the town. Ergo, many mistakenly believe the town gets all of that money (even though what is owed to each entity is broken down on the tax statement). Ideally, the taxpayer would write separate checks to each taxing entity so they would know precisely how much they are paying to each.	11/22/2019 1:44 PM
9	I believe there is a limited understanding.	11/22/2019 1:16 PM
10	Usually, parties at the budget meeting are looking for donations and funding at the county level	11/21/2019 10:40 PM
11	Taxpayers in general do not participate in the municipal budget process. And, I think it is fair to say that it is much harder for taxpayers to understand and have input in the county budget process.	11/21/2019 9:55 PM
12	These are my personal opinions, I did not discuss them with the other two members of the Select Board	11/21/2019 9:26 PM
13	No	11/21/2019 7:40 PM
14	The process is largely invisible and poorly understood by residents. See comments above.	11/21/2019 7:39 PM
15	Do they have input? Yes. Do they understand the process? No	11/21/2019 7:07 PM
16	A select few maybe, but as I mentioned before - the time and energy required to get to the meetings and offer insights is prohibitive.	11/21/2019 6:56 PM
17	They CAN have input but through selectmen to the county budget committee	11/21/2019 6:55 PM

County Tax Assessment Survey

Q6 Do you have any additional comments?

Answered: 24 Skipped: 28

#	RESPONSES	DATE
1	All inmates should be on medicaid unless they have private insurance. The counties should not be required to pay for their medical costs.	11/27/2019 2:33 PM
2	MMA send waaaay to much email. Please cut it by two thirds.	11/26/2019 11:13 PM
3	No.	11/26/2019 4:17 PM
4	The Town of Perham has made inquiries of its own on the Aroostook County budget process. Though we have had responses it is our conclusion that the entire County governance and finance process is not well understood by local municipal officials and the average citizen.	11/25/2019 6:24 PM
5	I agree there is a need to fund county jails but also feel that there needs to be a base line established on a Statewide basis where funding for per prisoner cost is somewhat equalized. For years I have heard about the success and failures on a county by county basis. I am hesitant to say it but these facilities all being run under an elected sheriff in that region may not be the most cost effective way of doing business.	11/25/2019 1:33 PM
6	Some day we should realign financing to reduce cost sharing by category and thereby enhance governmental accountability at state and local levels.	11/24/2019 7:40 PM
7	Reducing cost is possible if alternative measures are allowed instead of incarceration. Too many individuals are not flight risks, mentally challenged, or cannot post bail. Must be another alternative for pretrial individuals awaiting trial. Jail should be last resort. Need more judicial flexibility in sentencing. More resources should be allocated to mental health rehabilitation, high school diplomas, housing for the homeless, and skills training for the unemployed.	11/23/2019 7:03 PM
8	None.	11/22/2019 5:51 PM
9	Send information to us informing/describing any services we get for the \$260,204 we sent to them.	11/22/2019 3:07 PM
10	Maybe the Sheriffs need to do a better job justifying their corrections department expenditures to the State.	11/22/2019 2:57 PM
11	No	11/22/2019 2:24 PM
12	Eliminate County Jails and go to one State-wide system. It's not like we need local control of our jail system.	11/22/2019 2:07 PM
13	We appreciate MMA advocating on our behalf on this issue. Thank you!	11/22/2019 1:44 PM
14	Thank you for the opportunity to provide input.	11/22/2019 1:16 PM
15	Appreciate the survey!	11/21/2019 9:55 PM
16	If County Charters don't authorize it, there should be a law providing for reasonable system of checks and balances for county budget. In Androscoggin, the Commissioners have sole control over the budget.	11/21/2019 9:40 PM
17	no	11/21/2019 9:17 PM
18	No	11/21/2019 8:22 PM
19	State needs to pay more	11/21/2019 7:47 PM
20	Keep my taxes low!	11/21/2019 7:40 PM
21	The entire jail/prison/judicial system needs to be reformed and recreated in a manner to reflect the issues and problems of this century, not those of the 17th or 18th. Tinkering is not the solution, nor is poorly coordinated decentralization.	11/21/2019 7:39 PM
22	no	11/21/2019 7:36 PM
23	Counties should be authorized to become tax collecting entities to help consolidate processes and create more efficiencies. More power to the Counties. Help the towns and cities regionalize.	11/21/2019 6:57 PM
24	The system in place isn't working. Something has to change. Thank you for taking the time to think about this and engage municipal officials on the conversation.	11/21/2019 6:56 PM

Studying the Cost of Law Enforcement

While progress is being made, solutions remain elusive.

When thinking about the tools available to law enforcement officials, we often envision the nearly twenty pounds of gear officers must carry around their waists. However, law enforcement related policies adopted by the members of the Maine State Legislature often carry far more weight. While these policies are adopted with the intention of enhancing public safety, some regulations yield unintended consequences and generate significant costs for the agencies left to implement the policies. This autumn, a number of legislators and impacted parties have been meeting to examine the ever increasing costs associated with incarceration and the growth in inmate populations.

Two studies are currently in play. One of the studies targets the perennial conundrum surrounding the funding and management of county jail costs, while the second study focuses on prioritizing access to mental health and substance use disorder programs and services as the alternative to incarceration.

Jail Funding. Whether county jail operations are appropriately funded is a question being debated by the Legislature's Criminal Justice and Public Safety Committee. At the crux of this study is the statute that limits the amount of property taxes that can be raised to fund county jail expenditures. Under current law, the property taxes raised are capped at up to 4% of the previous year's county jail expenditures or the growth limitation factor (more commonly referred to as the LD 1 rate), whichever is lower. However with the property tax cap in place, the state's annual contribution is frequently inadequate to cover the revenue shortfalls faced by some counties.

As would be expected, the committee is receiving a fair amount of feedback on how to address these jail funding shortfalls.

From the municipal perspective, the study of county expenditures is just as important as deciding whether these services should be funded with state general fund revenues or through property tax assessments. Under the current process the state determines the standards for incarceration, the length of sentence an individual must serve, and to what facility that individual is assigned. However, the property taxpayers are responsible for funding a lion's share of the total expenses. On average, property tax assessments account for 80% of all county jail revenue.

County officials, including commissioners and sheriffs, appear to be coalescing around one of two recommendations. One proposal seeks to repeal or increase the cap on property tax assessments. The second draft proposal seeks a one-time adjustment to the cap, coupled with an authority to readjust the cap every four years. Unique to this second approach, however, is the inclusion of a measure that requires the state to provide additional funding to cover the jail costs associated with caring for state sanctioned inmates.

At the time this article was published it remained unclear which proposal, if any, the committee would advance to the full Legislature for consideration. However, with only two

meetings left on the schedule, a decision will need to be made soon. Hopefully, the protections currently afforded to the property taxpayers will remain in place.

Justice Reforms. MMA is also closely monitoring the efforts of a task force directed to improve the sentencing, supervision, incarceration and management of prisoners and explore bail reform options. Working with the Council of State Governments (CSG) Justice Center the task force - which includes county sheriffs, county commissioners, mental health service providers, prosecutors, court officials, legislators and the Department of Corrections - is using a data-driven approach to develop policy recommendations aimed at reducing corrections spending and reinvesting the savings in strategies proven to decrease recidivism and increase public safety.

As is the case in nearly all of the justice reform studies that have or are taking place across the country, stakeholder input along with the available arrest data has highlighted that individuals facing incarceration are often coping with substance use disorders and mental health issues simultaneously. The data being reviewed by the task force echoes what municipal law enforcement officers have known for decades - it is less expensive to address the issues that accompany mental health and substance use disorder issues outside of the jail or prison environment.

In the absence of a statewide approach for providing much needed mental health and substance use services, the municipal law enforcement community has stepped up to the plate. Several Maine communities have established crisis team ride along programs supplementing traditional policing with targeted “in the field” mental health evaluations conducted by trained health care professionals. These professionals not only have the networks and resources necessary to connect individuals to services, they provide peer support to on-duty officers and allow public safety officials to move on to other calls when possible. Unfortunately, these programs are in jeopardy in many communities. One department recently retired their successful 24 year old program because the mental health agency providing the service lost state funding.

While local substance use disorder diversion programs are limited, local in nature and place demands on limit law enforcement resources, the need for these programs is viewed as being so vital that municipal police chiefs have become grant writers, philanthropy managers, and community fundraisers. Through cupcake sales, benefit concerts, and barbeques, municipal law enforcement officers have purchased airline tickets and funded out of state treatment programs for residents seeking help in order to divert them from incarceration.

While such approaches have kept many individuals away from the justice system, programs based on local philanthropy alone create “zip code lotteries” for struggling individuals. While residents in some communities have the means necessary to consistently fund programs like Operation Hope, other communities have had to make the tough decision to abandon these programs simply because property taxpayers are already stretched beyond their means. Furthermore, little to no state funding is available for these local-level efforts.

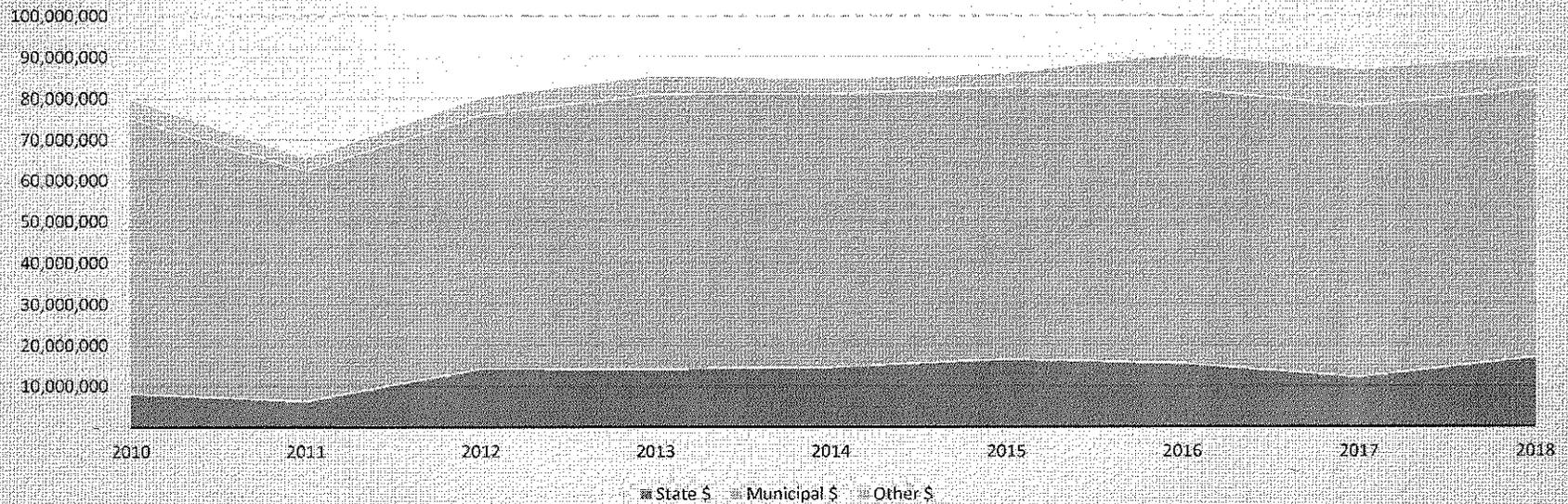
While legislators debate if it is better to arrest or summons individuals, it is clear from court statistics that municipal law enforcement officers are overwhelmingly opting to issue a summons (rather than arrest an individual) in situations where they have the discretion to do so.

For the most frequent arrest violations — operating under the influence and violations of conditional release— officers have no discretion to refrain from arrest. While some district attorneys are refusing to prosecute misdemeanor crimes, law enforcement officials have learned that in some circumstances making an arrest is the only mechanism to trigger the involvement of mental health case worker. Arrest is a tool that is used by some communities to ensure that individuals in crisis gain access to assistance to needed resources.

The disconnect that exists between current incarceration policy and on the ground municipal policing deserves greater attention. Most of the extended time spent on police calls preventing arrests, as well as successful diversion programs are not captured in the available statewide data. This means it is virtually invisible to the individuals exploring policy improvements.

While the task force continues to work to find a solution to this problem, municipal leaders will stay on course to get this important work done without additional resources, to the extent possible. This winter the Maine Municipal Association in collaboration with the Maine Chiefs of Police and municipal leaders will hold a summit with the Justice Reinvestment team. This will provide an opportunity for everyone to understand these hidden metrics, policing pressures, and community challenges with an eye towards greater support for these locally based and proven efforts.

Municipal vs. State Share 2010-2017



	2010	2011	2012	2013	2014	2015	2016	2017	2018
State \$	8,545,639	6,680,362	14,651,205	14,493,183	14,959,011	16,817,727	15,781,678	12,493,219	17,283,144
Municipal \$	67,074,917	55,992,614	61,726,057	66,835,878	66,473,444	66,081,117	66,902,027	65,902,984	65,395,970
Other \$	4,700,720	3,294,838	4,289,189	4,574,343	3,763,745	3,435,226	8,361,070	8,810,635	8,340,912
Total	80,321,276	65,967,814	80,666,451	85,903,403	85,196,200	86,334,070	91,044,775	87,206,838	91,020,026

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