

To the Members of the Judiciary Committee:

RE: LD 186

I assumed office on January 1, 2023, as District Attorney for Prosecutorial District 7 which encompasses Hancock and Washington Counties. We have offices in Ellsworth, Machias and Calais, and we operate in two Unified Criminal Court systems and five Courts overall. My District is allocated 6 assistant prosecutors in addition to myself to cover the two Counties. My assistants are working far beyond capacity and well in excess of case-load recommendations urged by the American Bar Association. My Deputy District Attorney, for example, is responsible for over 1,000 cases in two Counties. He should have no more than 600 to 700 cases total. We do not have a choice with current staffing levels. We have approximately 1,800 pending cases which is more than 30% above the number of cases on the books one year ago at this time. Law enforcement case submissions are up across the board. Prosecutors were already operating at capacity a year ago. We are currently short one prosecutor in Washington County, which is straining prosecutor workloads even more. While we are actively advertising to fill the position, we have not had a single applicant in the month and a half that the position has been posted. ADA salaries cannot compete with the private sector job market and it is difficult to fill these positions in remote locations, especially when new attorneys learn about the demands of the job. We have all heard about the lack of indigent defense attorneys state-wide but the shortage of prosecutors is equally compelling.

As I look to other legislation to being considered this term to fund additional Judicial positions and to raise the pay rates of indigent defense counsel to entice more attorneys to take on indigent cases, I cannot stress enough the need to provide additional funding to increase prosecutorial positions to keep pace. There are three pillars to the criminal justice system

(prosecution, defense and judiciary) and each needs to grow equally to maintain court operations. We cannot increase the number of sitting Judges to hear additional cases without having additional prosecutors to take on that additional workload as it would present a physical impossibility. Thus, I am in full support of LD 186 which seeks funding for additional Assistant District Attorneys statewide.

Since I took office, I literally have had no more than 6 days totally “off.” I had hoped to alleviate some of the caseload per prosecutor situations by assuming responsibility for a greater percentage of the caseloads but I have found that I am stretched thin out of the box running three separate prosecutorial offices. If we have just one prosecutor out sick on any given day, we are unable to adequately provide coverage. It is much like relying on a fire extinguisher to tackle a forest fire. While I have assumed responsibility for a number of serious matters such as manslaughter, aggravated assault and a high-profile child pornography case, I have endless meetings and requests for meetings to attend in two counties which all limit my available time to handle a regular caseload. These include Sexual Assault Response Team meetings, Child Advocacy Center meetings, department head meetings in each county, federal and state intelligence briefings in Calais, Machias and Ellsworth, Maine Prosecutors Association meetings, Court Calendar Scheduling meetings, Chiefs of Police meetings, Restorative Justice meetings, County Commissioner meetings, County Administrator meetings, Victim-Witness Advocate meetings and so forth. In addition, I spend my weekends and evenings sifting through each and every case that enters our office for initial review and case assignment to specific prosecutors.

Prosecutors are also being pulled in different directions with what amounts to a growing list of unfunded mandates. These include the push to grow Adult Drug Treatment Courts, Restorative Justice Programs and some Districts must contend with Veterans Court cases. Drug

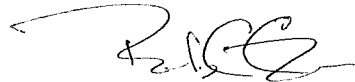
Court meets every Friday in each of my counties and this requires that I assign two prosecutors out of my current 5 ADA's to attend Drug Court programs (*treatment meetings and Court*) for full days in each county. That results in a 40% loss of prosecutors one day per week who are not available to address regular court loads. In addition, these prosecutors must field endless emails and telephone calls from Drug Court personnel about case management, individual case situations and applications for ADTC admission throughout the week leading up to each session. This work is in addition to the regular caseloads ADA's must carry to ensure coverage at arraignments, case disposition conferences, Grand Jury presentations, Motion hearings, Jury Selection days, jury trials, trial preparation and on-call weeks. The on-call weeks present additional problems because the on-call prosecutor must work their regular shift and then be available 24-hours-a-day to respond to law enforcement queries, search warrant requests, arrest warrants and handle in-custody arraignments on short notice. There are occasions where the on-call prosecutor is woken up three times a night during their on-call week. The physical demands on prosecutors is challenging.

The un-funded mandates also keep piling up. We are now also required to submit case information statistics to the Department of Justice, United States Courts, National Guard and other Agencies by mandate where we have no administrative personnel to address these issues. A recent Bill before the U.S. Congress would require each State prosecutorial District over a certain population size to report virtually every case prosecutorial decision to U.S.D.O.J. without funding to handle the workload simply needed to tabulate the information (*the legislation would require that we provide our basis for declining each specific case*). I estimate this would require at least one new attorney and one administrative staff member to meet those requirements. I do not know where that federal legislation stands at present, but I objected to the Bill as another

unfunded mandate and intrusion on state prosecutorial decision-making. Each year we see more proposals which burden the prosecutorial Districts without funding to provide support to meet the demands.

I am certainly not complaining about the job as I love the challenge and the work. I am concerned, however, that I will not be able to keep assistant prosecutors in their positions over the long-term because of the over-bearing workload requirements they each face which inevitably intrudes upon their days off, evenings and vacation time. I know my Assistants work many hours on their days off and vacations, and this cannot be sustained in the long run. I have one Assistant who works virtually every weekend to keep up with his caseload because he has insufficient time during the week to address all required tasks. He is a work-horse and diligent prosecutor.

I urge you to support LD 186 to ensure that our prosecutorial districts can continue to meet the demands being imposed upon them with the significant backlog of cases, increased criminal activity and increased demands created by new alternative court programs. Thank you.



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