



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Pandemic-era justice system changes in Maine

A Presentation to the Committee on Criminal Justice
and Public Safety

March 2, 2022



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together.
- We drive the criminal justice field forward with original research.
- We build momentum for policy change.
- We provide expert assistance.

We Help States

- Break the cycle of incarceration.
- Advance health, opportunity, and equity.
- Use data to improve safety and justice.

COURSE CORRECTIONS

Course Corrections is an initiative to help states understand how and why correctional populations have shifted since the onset of the COVID-19 pandemic. Course Corrections works to translate that understanding into sustainable legislative and administrative policies that sustain reductions in prison populations and continue to support successful completions of community supervision.



**Justice
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State policymakers are uniquely positioned to examine the impacts of pandemic-era justice system changes.

Understanding justice system challenges and responding to constituent concerns is overwhelming.

Using data to guide decision-making will yield the most sustainable results for improved justice outcomes.

QUESTIONS TO GUIDE DECISION-MAKING

- 1 What happened during the pandemic?**
- 2 What can you do to impact outcomes?**
- 3 How can we support you?**

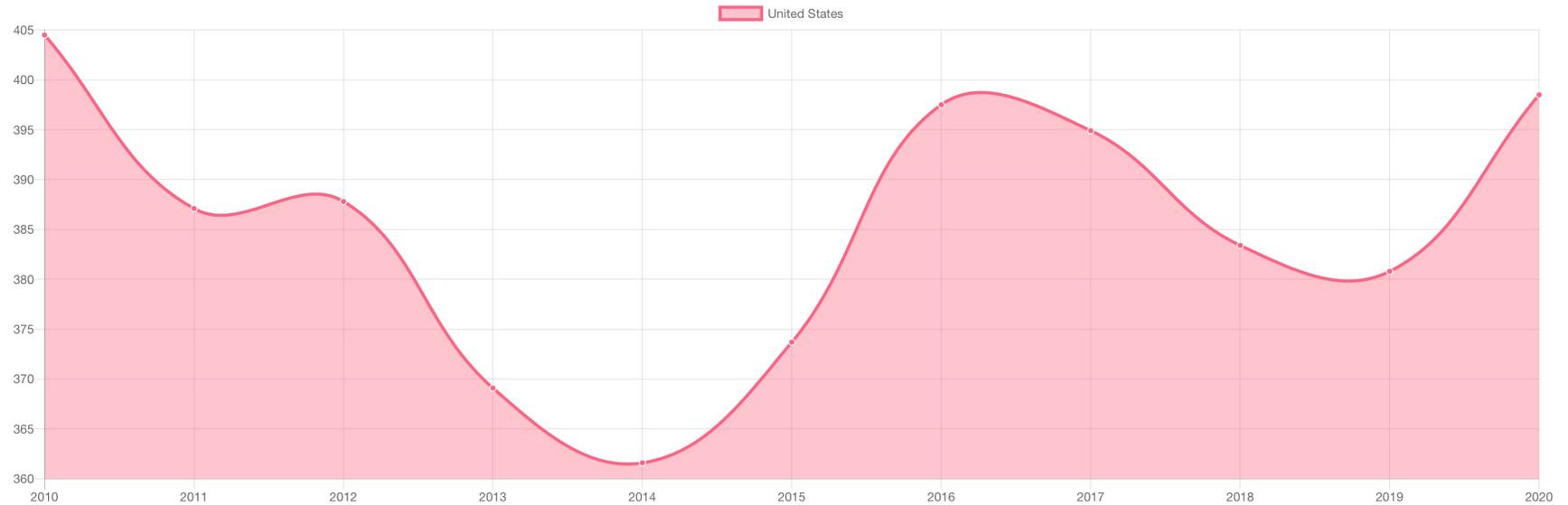
**What
happened
during the
pandemic?**

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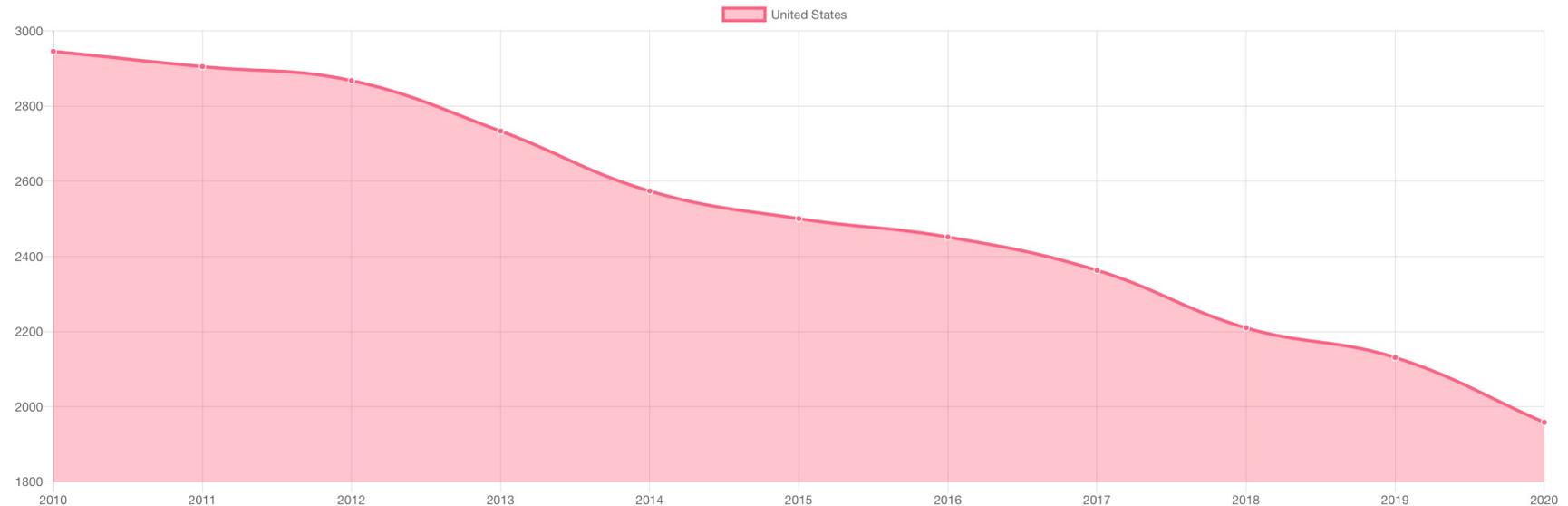
Between 2019 and 2020, the violent crime rate increased, and the property crime rate decreased.

Nationally, the violent crime rate **increased by 4.7 percent**, driven in large part by increases in homicides and aggravated assaults. The property crime rate continued a decade-long decline, **dropping by 8 percent**.

Uniform Crime Report, Part I Violent Crime Rate, United States, 2010–2020



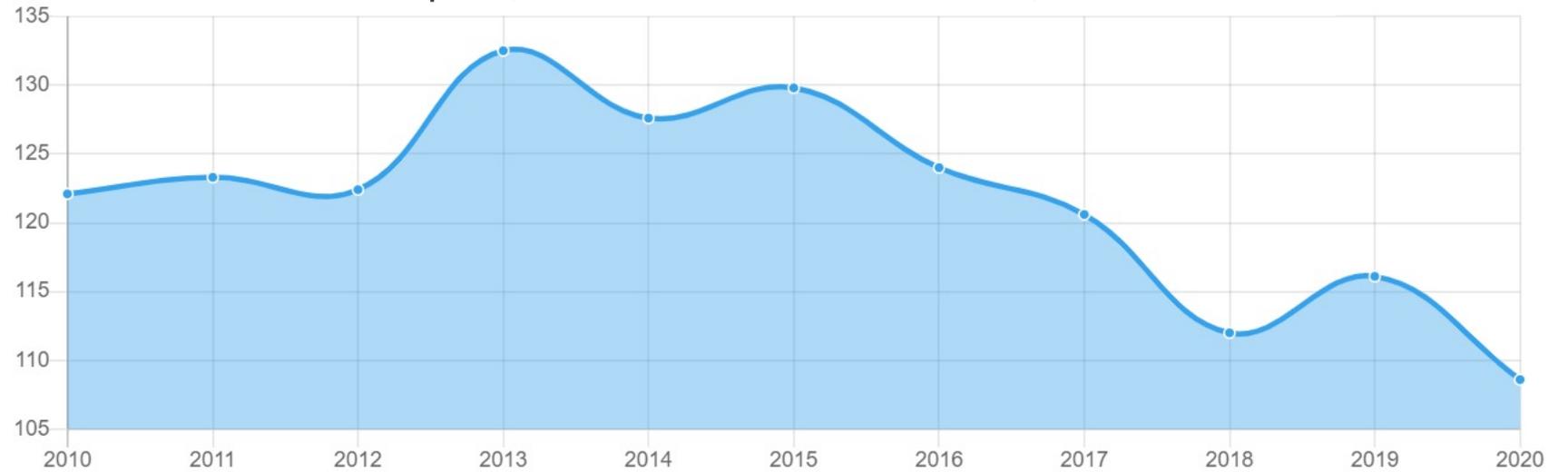
Uniform Crime Report, Part I Property Crime Rate, United States, 2010–2020



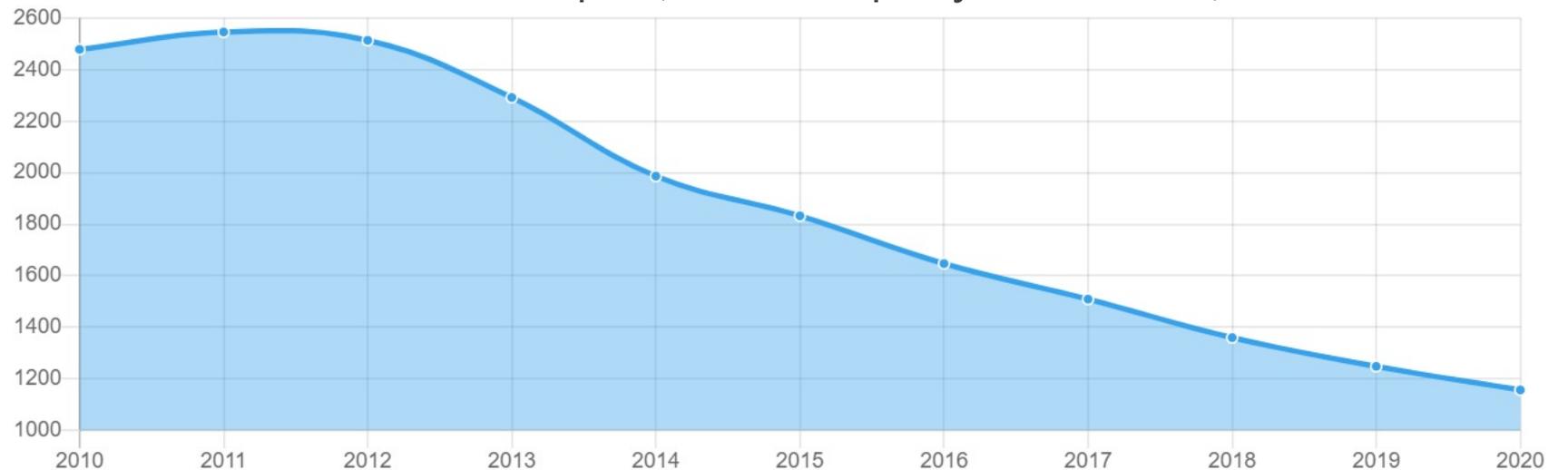
In Maine, both the property crime rate and violent crime rate decreased between 2019 and 2020.

The violent crime rate **decreased by 4.7 percent**, driven in large part by decreases in reported aggravated assaults and robberies. The property crime rate also continued to decline, **dropping by 6.2 percent**.

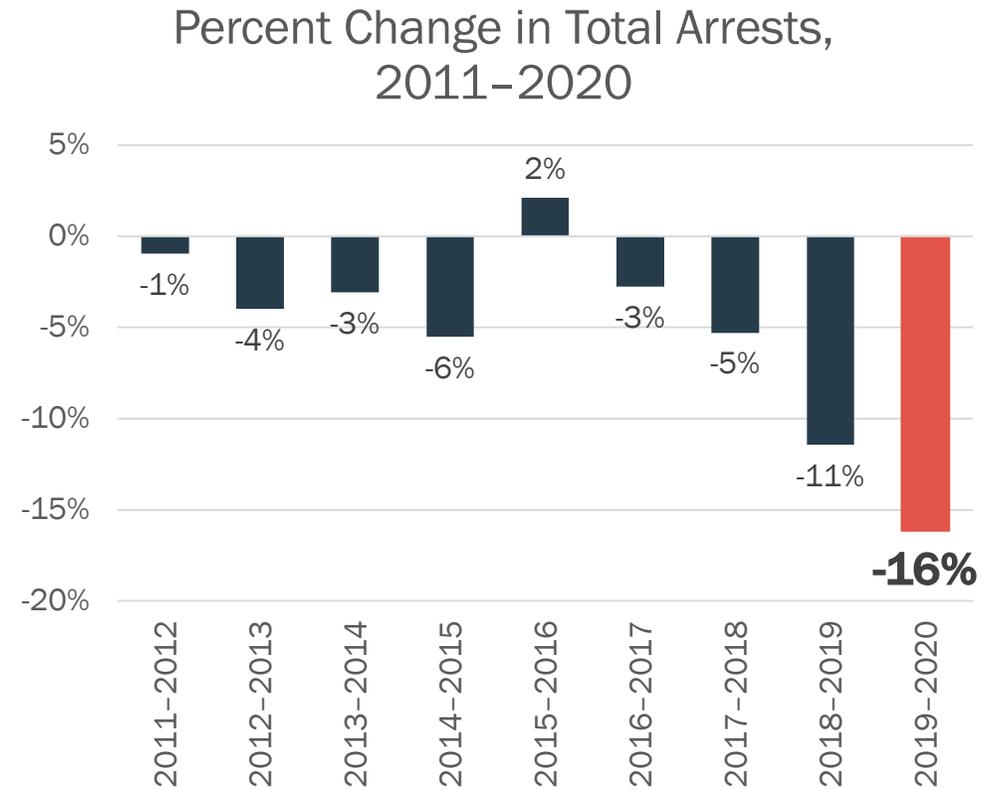
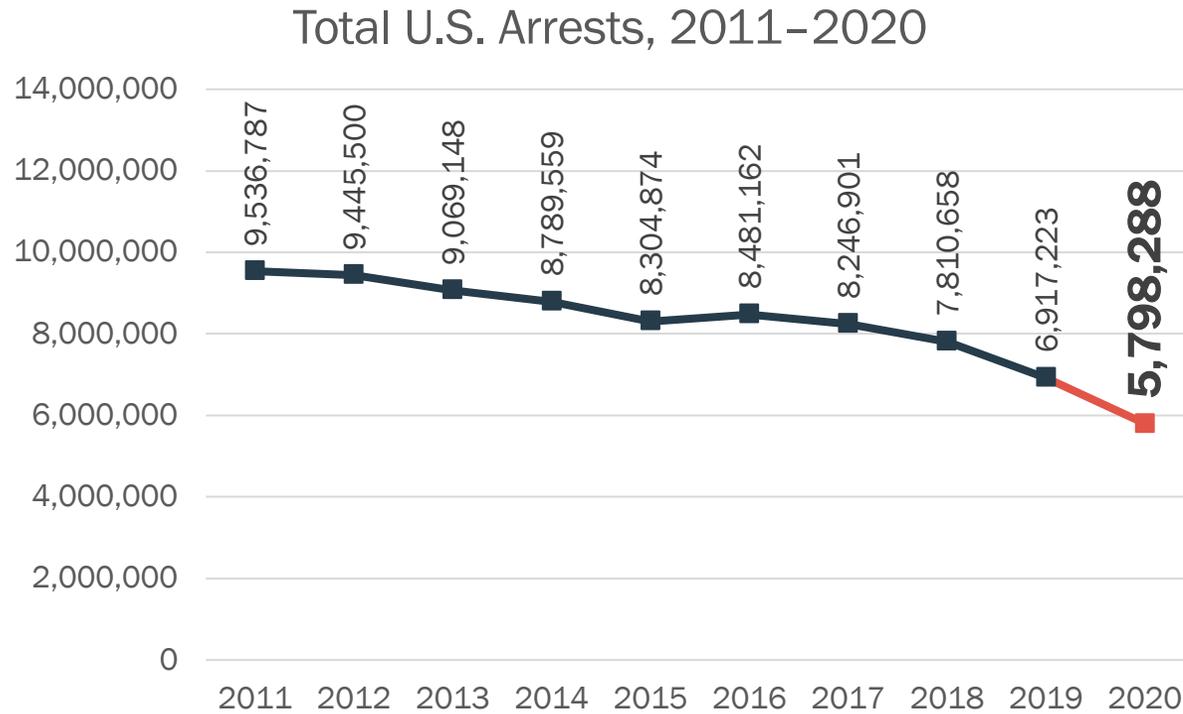
Uniform Crime Report, Part I Violent Crime Rate, 2010–2020



Maine Uniform Crime Report, Part I Property Crime Rate, 2010–2020



From 2019 to 2020, arrests in the U.S. declined by an unprecedented 16 percent, or 1.2 million fewer arrests.



In Maine, the total number of arrests declined by 16.9 percent from 2019 to 2020.

Many factors impact the difference between the number of reported crimes and the number of arrests, and in 2020 new and different challenges combined to explain the difference:

DECREASED
COMMUNITY
TRUST IN
POLICE

LIMITED
AVAILABILITY OF
HEALTH,
HOUSING, AND
SUBSTANCE USE
TREATMENT
RESOURCES

PUBLIC HEALTH
CLOSURES OF
COURTS, JAILS,
AND OTHER
HOLDING
FACILITIES

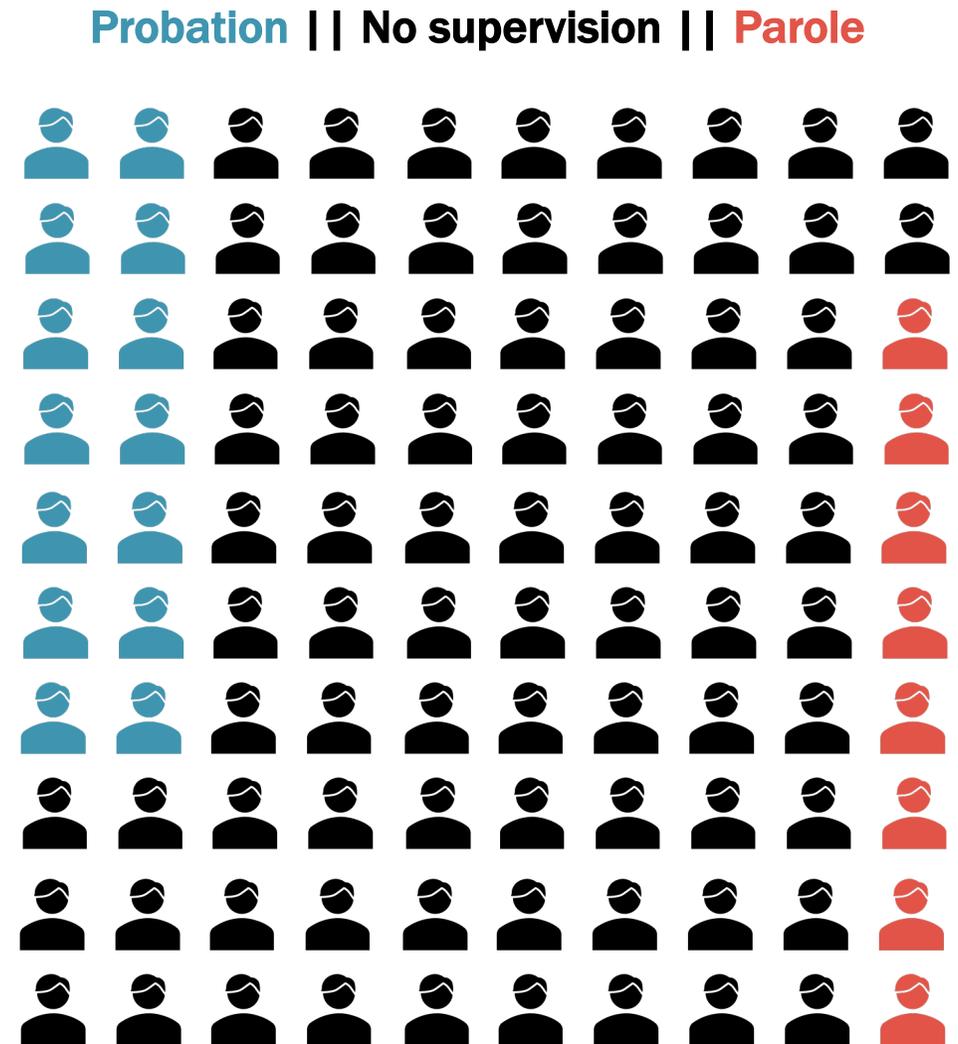
INCREASE IN
911 CALLS FOR
BEHAVIORAL
HEALTH CRISES

The City of Portland's Mental Health Collaboration is an example of a recent success in co-responder models that best utilize the expertise of behavioral health professionals to work together with police to de-escalate behavioral health crises safely.

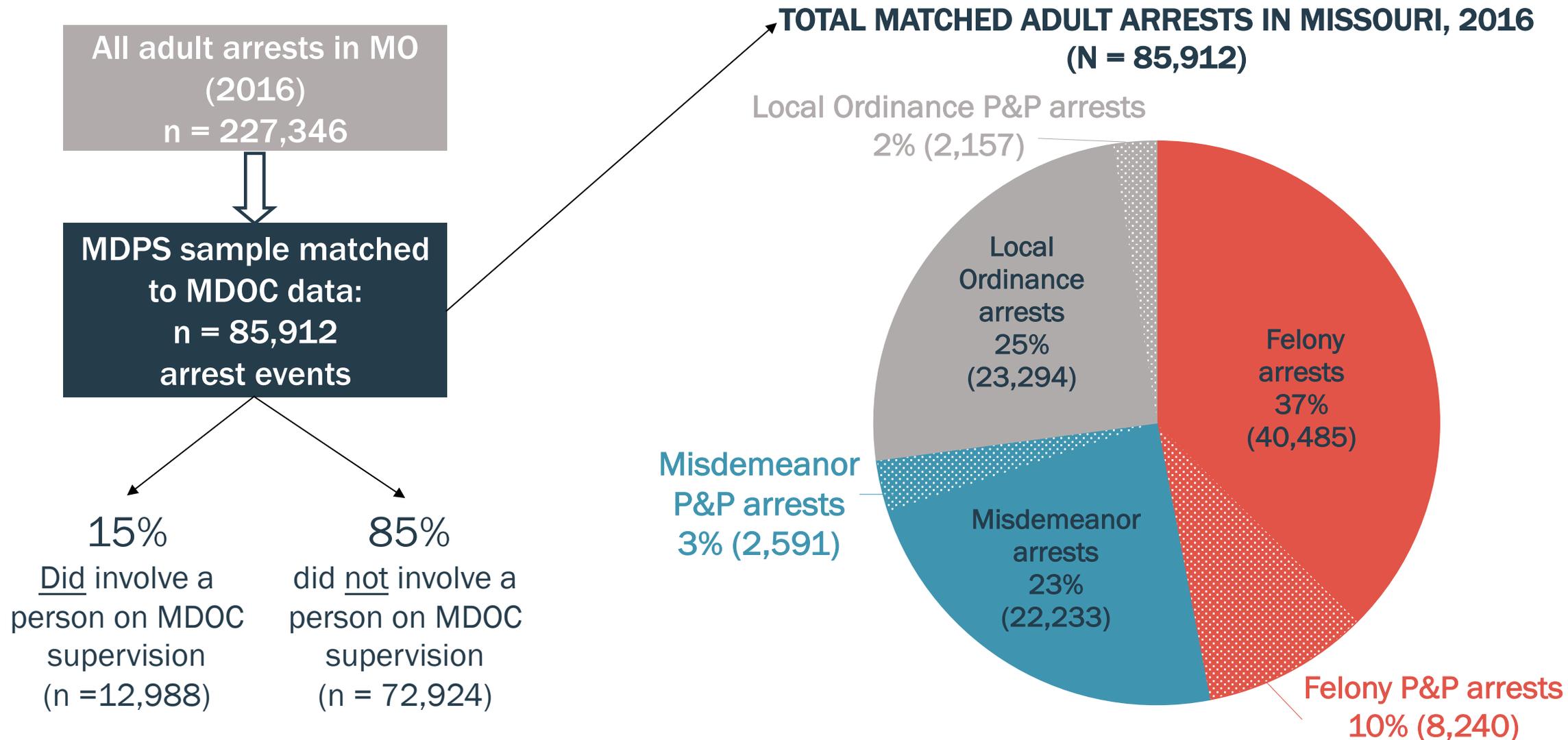
An analysis of arrests in four large cities in California demonstrated that only one in five arrests involved a person on probation or parole supervision.

Between 2008 and 2011, in Los Angeles, Redlands, Sacramento, and San Bernardino counties, people who were on probation and parole supervision accounted for 22 percent of arrests made. The majority - 78 percent- were people not currently supervised by probation or parole.

Total Arrests	476,054	Percent of Total
Parole	40,476	8.5%
Probation	66,251	13.9%
Not Supervised	369,327	77.6%



In 2016, people on Probation or Parole (P&P) supervision in Missouri accounted for 15 percent of all arrests statewide.



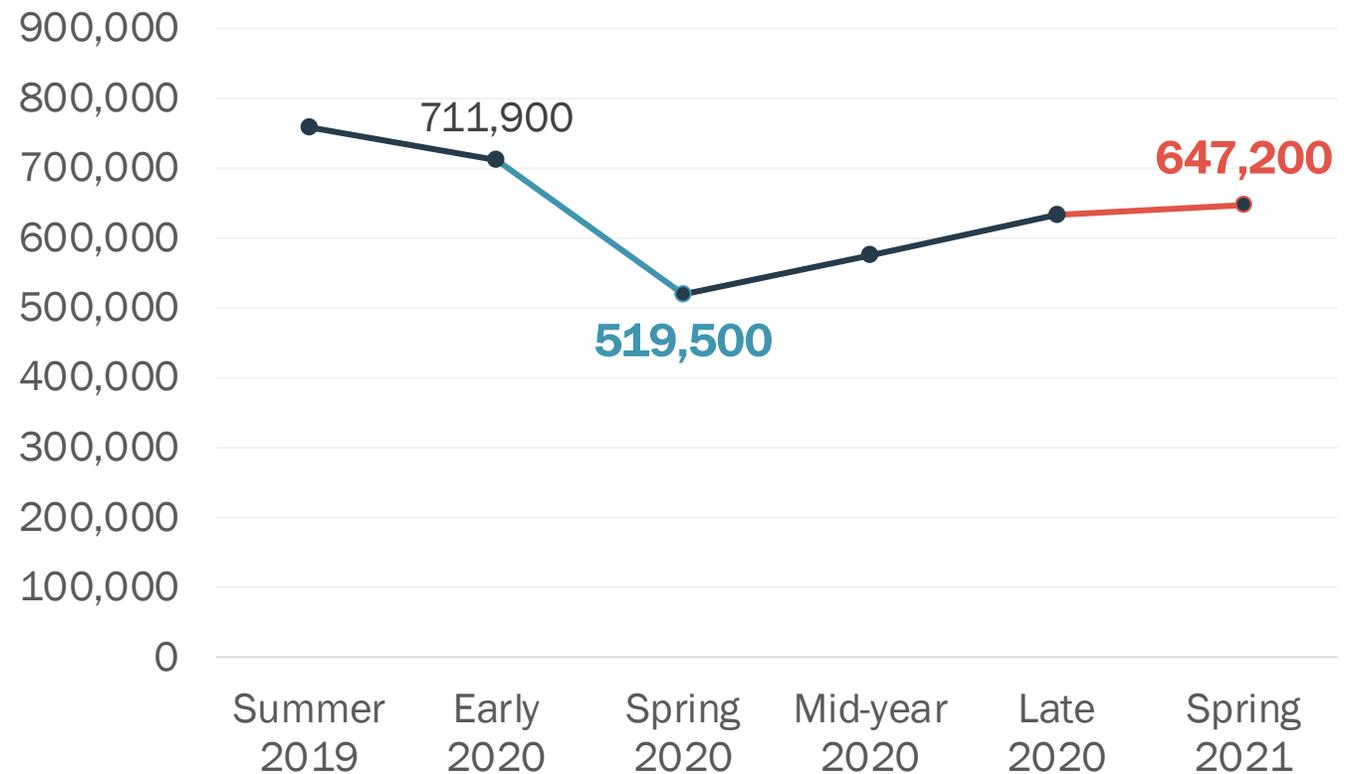
Jail populations across the country served as a barometer for the impact of justice system practice and policy shifts between 2019 and 2021.

Spring 2020: 519,000 people, down from 760,000 in 2019

- Stay-at-home orders and court closures are imposed across the country. Jail populations declined by 27 percent between January and April 2020.

Spring 2021: rebound to 647,200 people

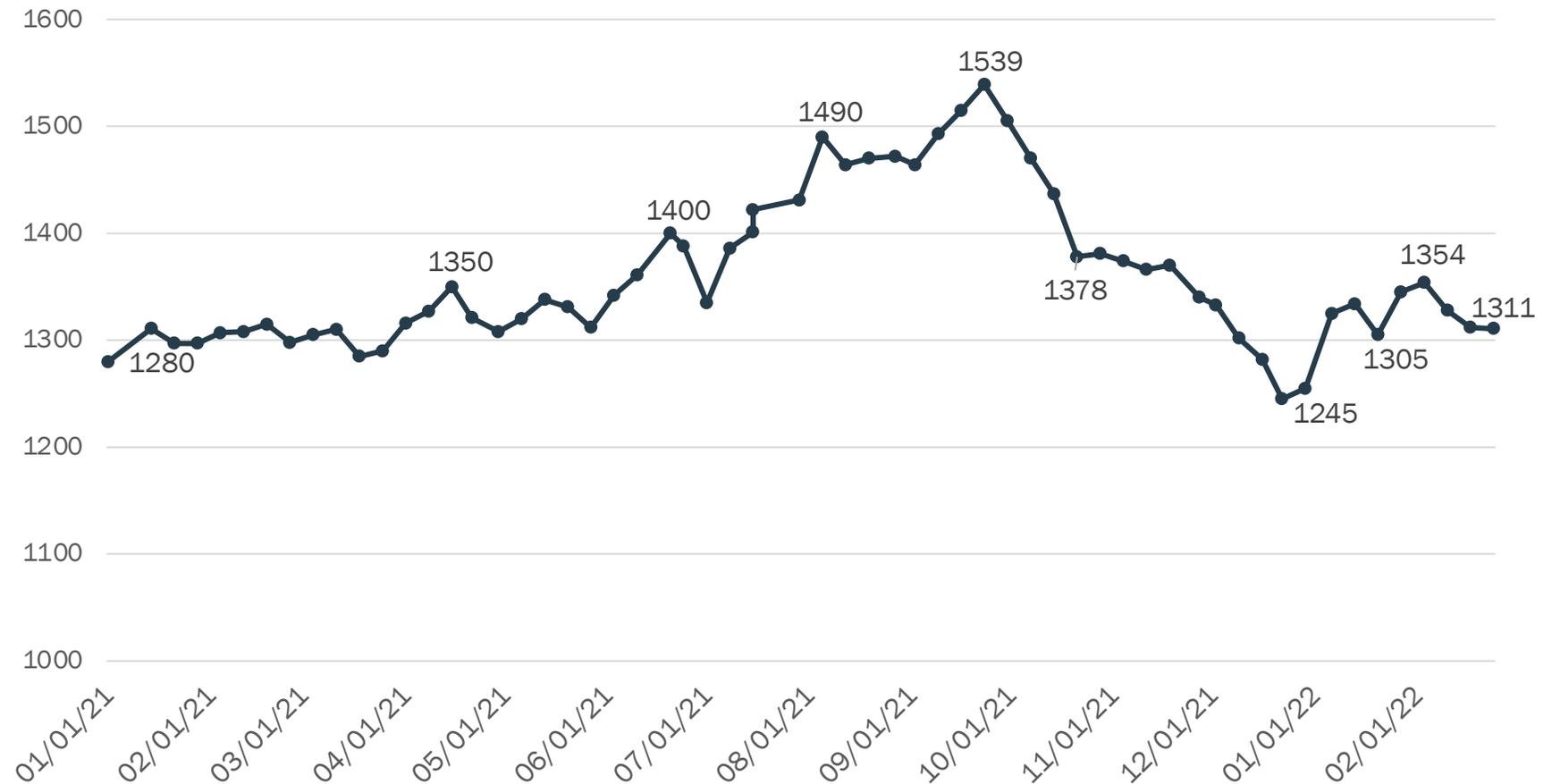
- States and counties vary widely in lifting restrictions and re-opening.
- Jail populations steadily increase to about 9 percent lower than pre-COVID-19 level in early 2020.



Maine's total county jail population fluctuated over the past year, with experiences of individual counties varying.

Maine's jail population finished 2021 at 56 percent of available space with 1,311 people currently housed in a county jail.

Average Daily Maine County Jail Population, 1/2021 - 2/2022



The decline in court case filings during the pandemic is creating a problem for many courts, but Maine's filings may have declined less than the national trend.



The National Center for State Courts Report

- In April 2020, only **337,948** criminal cases were filed
- **62 percent decrease** since April 2019
- In December 2020, there were **407,562** more pending criminal cases than January 2020

State of Maine Court Case Filings



- In fiscal year (FY) 2020, **42,079** criminal cases were filed
- **12.3 percent decrease** from FY 2019
- In FY 2021, criminal court case filings **decreased by 9.0 percent** from FY 2020.

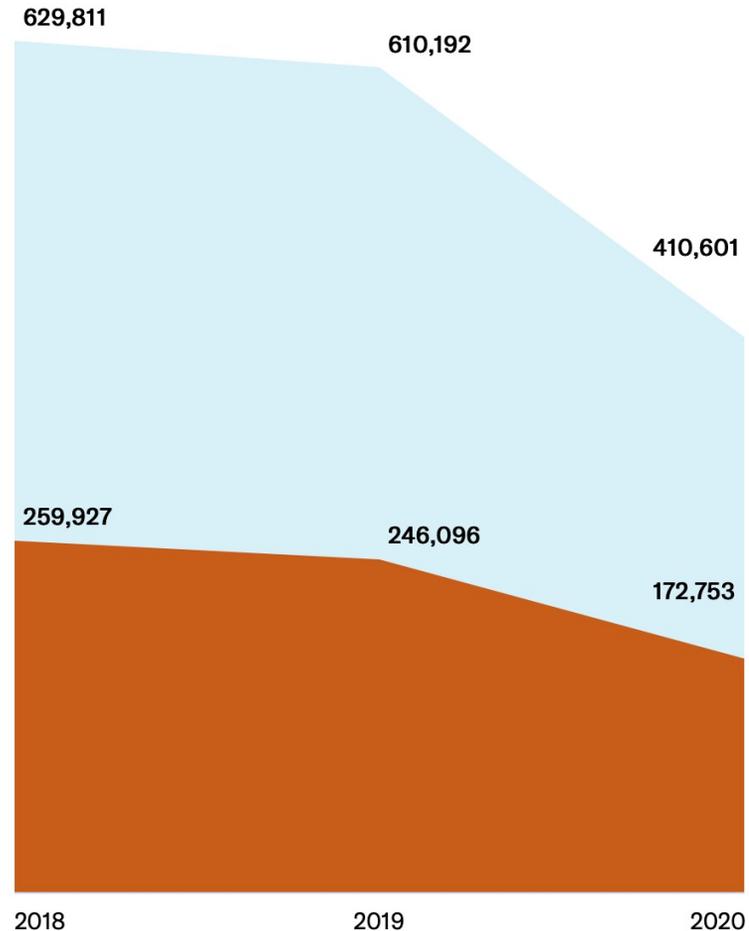
State prison populations dropped an unprecedented 14 percent in 2020.

Most of this decrease was due to decreased admissions to prison.

There were **200,000 fewer admissions** including **73,000 fewer admissions for supervision violations**.

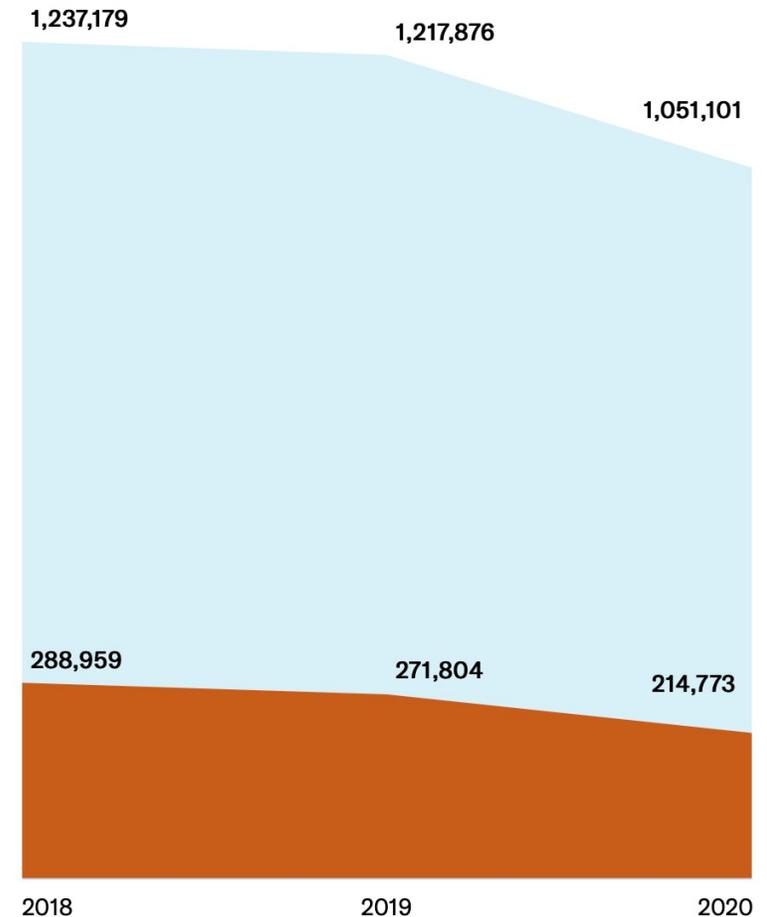
Admissions

- Total admissions estimates
- Supervision violation estimates



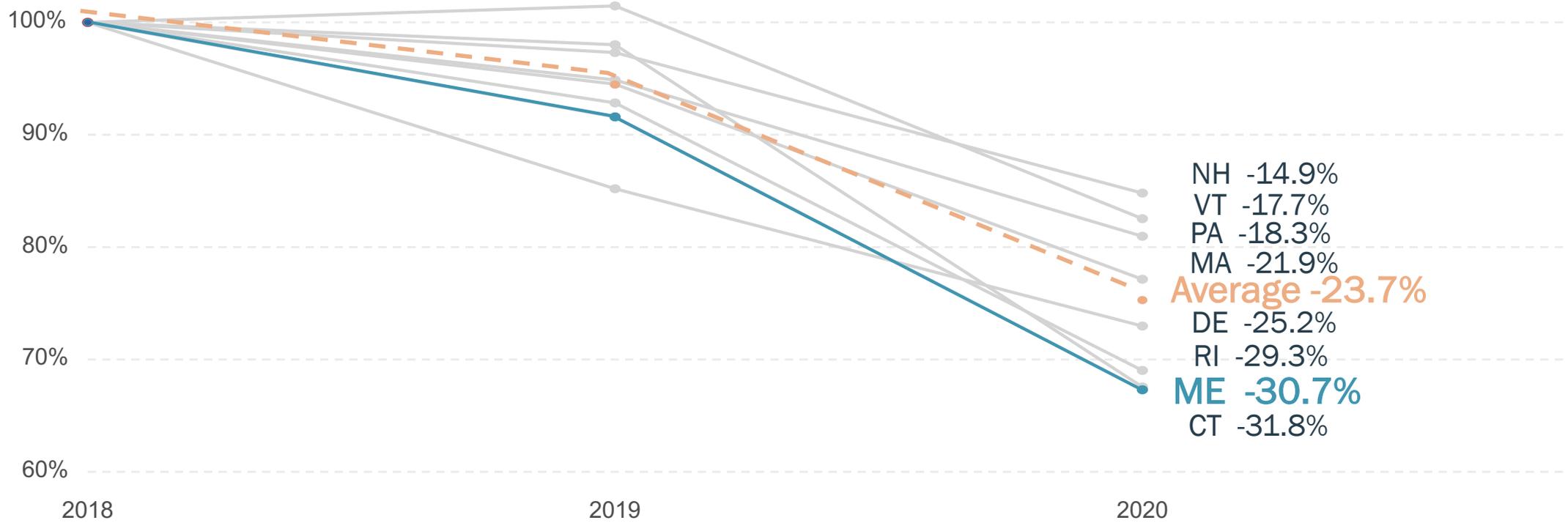
Population

- Total population estimates
- Supervision violation estimates



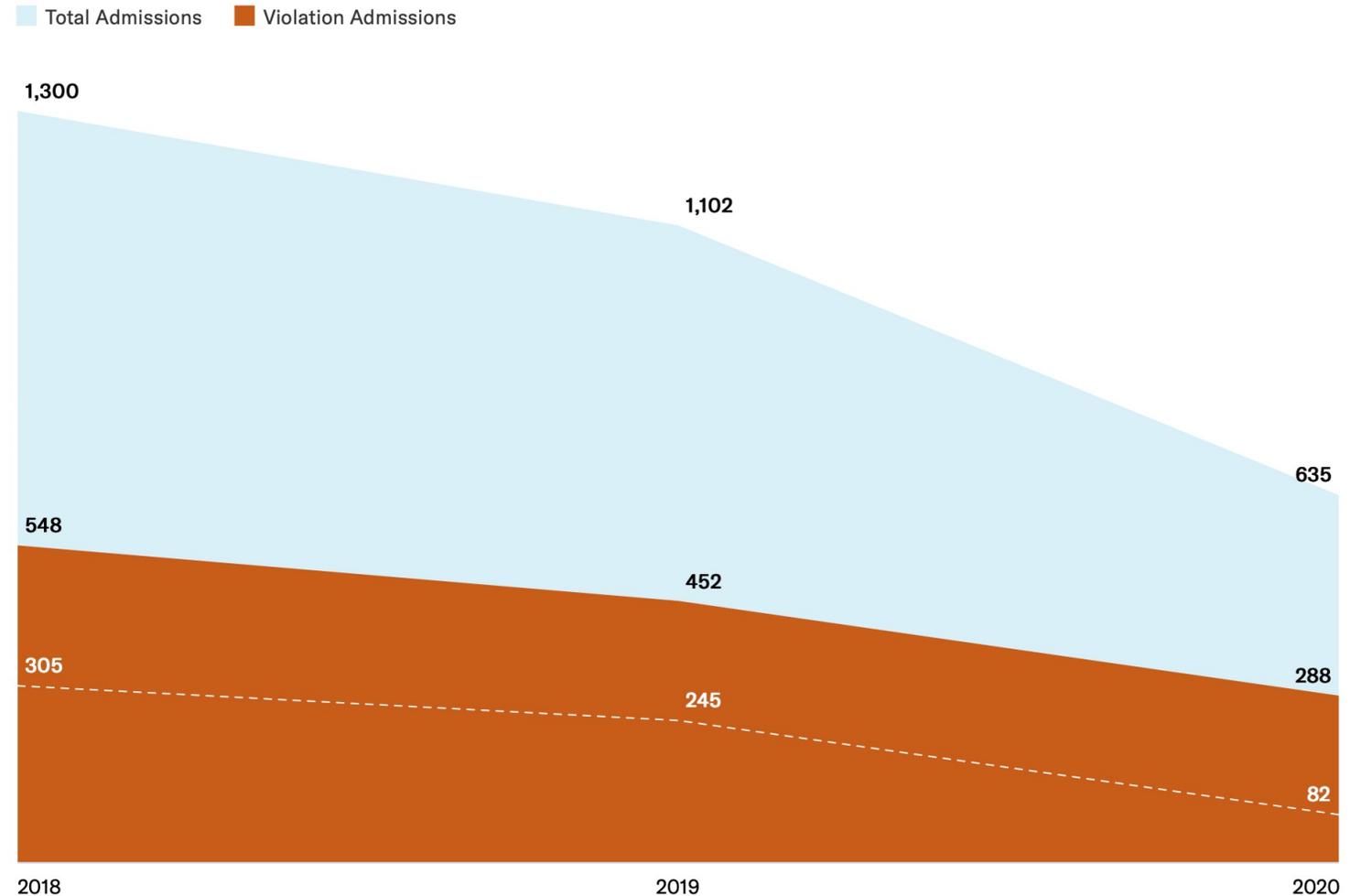
Between 2018 and 2020, prison populations decreased in most northeastern states, including Maine.

Percent Change in Regional State Prison Populations, 2018 - 2020



Despite a 47 percent decline in admissions due to supervision violations between 2018 and 2020, **the percentage of admissions due to supervision violations of overall admissions increased by three percent.**

From 2018 to 2020, Maine saw a 47 percent decline in the number of prison admissions due to supervision violations.



The impacts of pandemic-era policy changes have been dramatic and uneven across populations involved with the justice system.

RACE

The 22% jail population drop among Black people was smaller than the 28% drop among white people reinforcing a disproportionately Black jail population nationwide.

GENDER

Women's prison and jail populations, and incarceration rates, dropped by a larger percentage than men's populations did nationwide except for Alaska.

INDIGENOUS PEOPLE

Indigenous people experienced the greatest drop in jail populations and jail incarceration rates – nearly 35%.

PROBATION

Probation populations were down by over a quarter of a million people in 2020, mostly due to court closures. This drop contributed most to the 11% reduction in the overall footprint of correctional control in 2020.

DEATHS

Deaths increased 46% in prisons from 2019 to 2020, 32% among people on parole, and 6% among people on probation.

**How can
Maine
policymakers
have an
impact?**

2

With so much up in the air it is hard to know where to focus and what policy goals will have the largest impact.

We're here to learn from you and to offer our available resources

Supervision Success

Supervision success is still a ripe area for practice, policy, and data improvement.

Behavioral Health

Invest funds to advance justice and thriving communities.

Data Analysis

Learn more about the unknowns through ample data collection and analyses.

Previous efforts toward policy reforms addressed the behavioral health services needs of people involved with the justice system in Maine.



**Justice
Reinvestment
Initiative**

In 2019, Maine’s Justice Reinvestment Initiative Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners offered recommendations for how to improve successful supervision outcomes by investing in community-based services.

Justice Reinvestment Initiative Key Findings, 2019

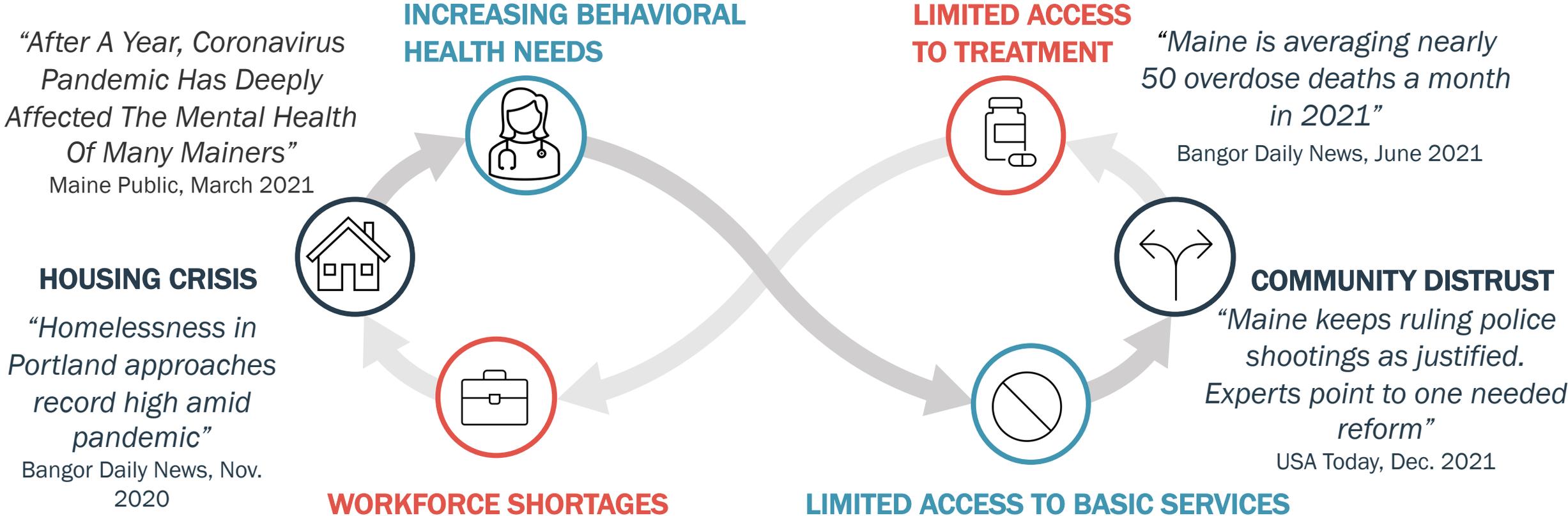
Summary of Policy Options

1. Lack of coordinated, quality behavioral health resources
2. Increase of women in the justice system
3. Reliance on short sentences to prison and jail instead of to probation
4. Prison admissions driven by revocations from probation
5. Limited and inconsistent demographic data across justice agencies

1. Strategically deliver state support to local communities to improve access to and quality of community-based behavioral health services
2. Create a presumption that probation is the most appropriate sentence for some felonies and monitor the routine use of short prison sentences
3. Promote an evidence-based, effective continuum of correctional care that spans institutional and community corrections and promotes public safety
4. Prioritize collection and analysis of reliable and valid criminal justice data

Source: The Council of State Governments Justice Center, *Policy Framework: Justice Reinvestment In Maine: Improving Supervision and Data Collection*, (New York, NY: The Council of State Governments Justice Center, 2020); https://csgjusticecenter.org/wp-content/uploads/2021/01/JR-Maine-Policy-Framework_FINAL.pdf

Since 2019, pandemic public service closures have exacerbated challenges to delivering essential services in Maine’s communities.

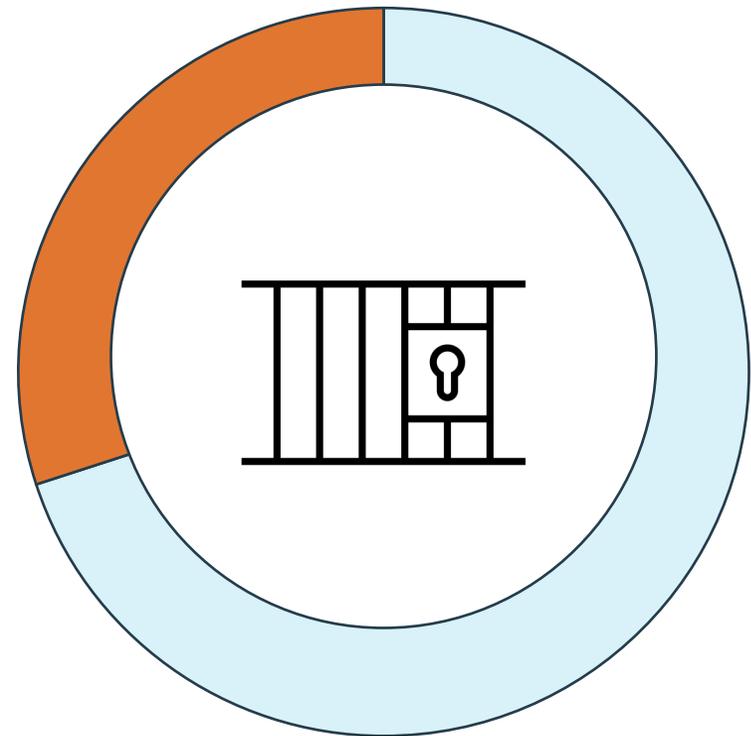
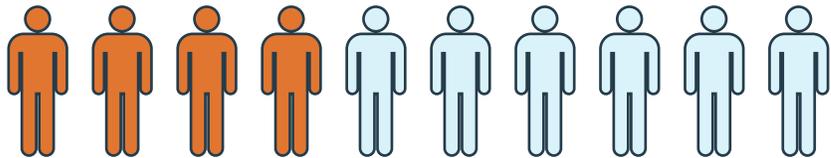


Charlie Eichaker, “After A Year, Coronavirus Pandemic Has Deeply Affected The Mental Health Of Many Mainers,” Maine Public, March 19, 2021, <https://www.maine-public.org/health/2021-03-19/after-a-year-coronavirus-pandemic-has-deeply-affected-the-mental-health-of-many-mainers>. David Marino, “Homelessness in Portland approaches record high amid pandemic,” Bangor Daily News, November 16, 2020, <https://bangordailynews.com/2020/11/16/news/portland/homelessness-in-portland-approaches-record-high-amid-pandemic/>. Lia Russell, “Maine is averaging 50 overdose deaths a month in 2021,” Bangor Daily News, June 23, 2021, <https://bangordailynews.com/2021/06/23/news/maine-is-averaging-nearly-50-overdose-deaths-a-month-in-2021/>. Kyle Stucker, “Maine keeps ruling police shootings as justified. Experts point to one needed reform,” USA Today, December 5, 2021, <https://www.usatoday.com/story/news/nation/2021/12/05/experts-call-reform-maine-attorney-general-police-shootings-justified/8835089002/>.

Increasing supervision successes and reducing revocations to prison using policy reform can focus resources on the people who need the most support.

4 in 10 PEOPLE ADMITTED TO PRISON

In 2020, **supervision violations** continued to make up 42 percent of all prison admissions nationwide despite an unprecedented decrease to admissions overall.



PEW Charitable Trusts - Five key policy reforms that can improve successful supervision outcomes:

1. Limit probation terms
2. Provide earned compliance credits
3. Limit incarceration before a violation hearing
4. Limit incarcerations based on technical violations
5. Prohibit driver's license suspension for inability to pay fines and fees

Source: The PEW Charitable Trusts, *Five Evidence-Based Policies Can Improve Community Supervision: Key reforms can prioritize resources for higher-risk individuals, reduce returns to prison, and protect public safety*, (Washington D.C.: The PEW Charitable Trusts, 2022); https://www.pewtrusts.org/-/media/assets/2022/01/five_evidence_based_policies_can_improve_community_supervision.pdf

Brief

THE PEW CHARITABLE TRUSTS

Jan 2022



Five Evidence-Based Policies Can Improve Community Supervision

Key reforms can prioritize resources for higher-risk individuals, reduce returns to prison, and protect public safety

POLICY #4

Limit incarceration based on technical violations

WHY

- Incarcerating people for technical violations of supervision undermines public safety.
- Jail/prison for technical violations destabilizes people and their lives while contributing to higher corrections costs.

HOW

- Impose supervision conditions like drug testing only when necessary.
- Clearly define technical violation.
- Unless there is a direct threat to public safety:
 - Restrict or eliminate the use of incarceration in response to technical violations.
 - Limit arrests and warrants for revocations based on technical violations.
- Restrict the length of time a person can spend incarcerated in response to technical violations.

Policy #4: Limit incarcerations based on technical violations

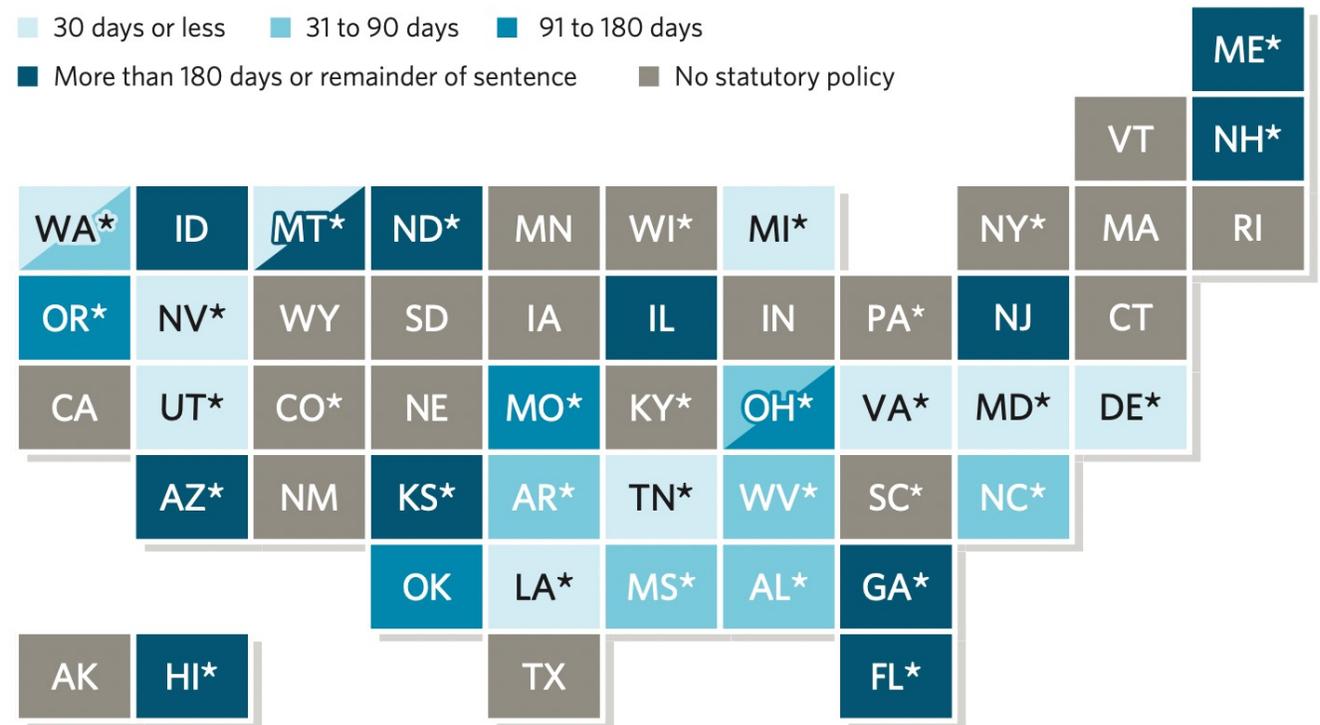
Maine uses a system of graduated sanctions and incentives to address minor noncompliance with probation conditions.

State leaders can examine whether using incarceration as a sanction for technical violations the best way to spend scarce corrections resources.

Figure 4

Only a Fifth of States Limit Incarceration for Technical Probation Violations to No More Than 30 Days

Revocation caps, by state



* State has a graduated sanctions system that limits incarcerated time for technical violations.

A policy approach to improving supervision success is strongest when it is informed by diverse perspectives and experiences.

As policymakers, you can “see the whole board” and ask questions, request data, and facilitate conversations necessary to understand how to best support improved supervision outcomes.



**How can we
support you?**



The CSG Justice Center has opportunities for technical assistance to address Maine's current challenges and policy goals.

The **Economic Mobility** team works with states and local communities to reduce structural barriers and expand access to quality career technical education, training programs, and other workforce supports that increase employment opportunities for people with records.

The CSG Justice Center's **Justice Counts** is an unprecedented coalition of state and local leaders working to make criminal justice data more accessible and useful with common metrics implemented across all 50 states.



NEXT STEPS



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- Continue the conversation with your committee to learn more about your state's challenges and priorities.
- Support your committee with further investigation into focusing justice-related policy goals.
- Connect your committee to potential CSG Justice Center projects for technical assistance.

Thank You!

Join our distribution list to receive updates and announcements:

<https://csgjusticecenter.org/resources/newsletters/>

For more information, please email
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