

MAINE STATE LEGISLATURE

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**DRUG OFFENSE
TRENDS AND
DRUG OFFENDER
RECIDIVISM
IN MAINE**

JANUARY 2013

Maine Statistical Analysis Center

USM Muskie School of Public Service

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About the Maine Statistical Analysis Center (SAC)

The Maine Statistical Analysis Center (SAC) operates as a collaborative service of the USM Muskie School of Public Service and the Maine Department of Corrections. The SAC is supported by the Bureau of Justice Statistics and is guided by an Advisory Group of policy makers from the Maine Administrative Office of the Courts, Maine Department of Public Safety, Maine Department of Corrections, and Maine Juvenile Justice Advisory Group. The SAC collects, analyzes, and disseminates justice data and reports to legislators, justice practitioners, policy makers, community service providers, students, and the general public. The Maine SAC website is located at: <http://muskie.usm.maine.edu/justiceresearch>.

Funder

The 2013 Drug Offense Trends and Drug Offender Recidivism in Maine Report was created under the auspices of the State Justice Statistics (SJS) Program, Bureau of Justice Statistics (BJS), Department of Justice (DOJ). Funding for this report was provided by BJS Grant Number 2010-BJ-CX-K017. The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily reflect the view of the Department of Justice.

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Foreword

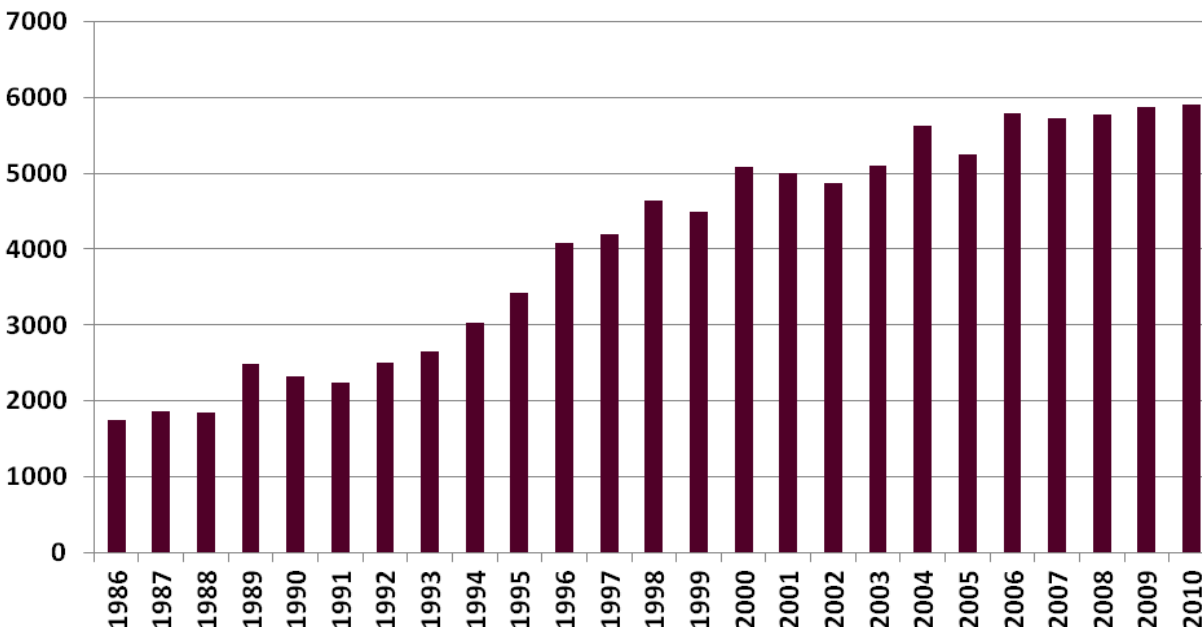
For years, Maine’s criminal justice and public health systems have grappled with the issues of substance abuse, drug and alcohol-related offending, and treatment for various addictions to legal and illegal substances. Policy makers and community leaders are challenged to develop public policy solutions to this complex and interrelated set of issues.

The body of knowledge on drug offenders and drug offenses in Maine has not kept pace with the urgent need to respond to an array of drug-related issues in communities. This report adds to the knowledge base by describing trends in drug offending and the recidivism of drug offenders in Maine. Employing a similar methodology to that used in a previous Maine Statistical Analysis Center report on sex offenses and sex offender recidivism, this report provides public safety drug arrest trends (with comparison to other states) and recidivism rates of drug offenders admitted to probation in Maine.

Section I: Drug Offense Arrest Trends in Maine 1986-2010

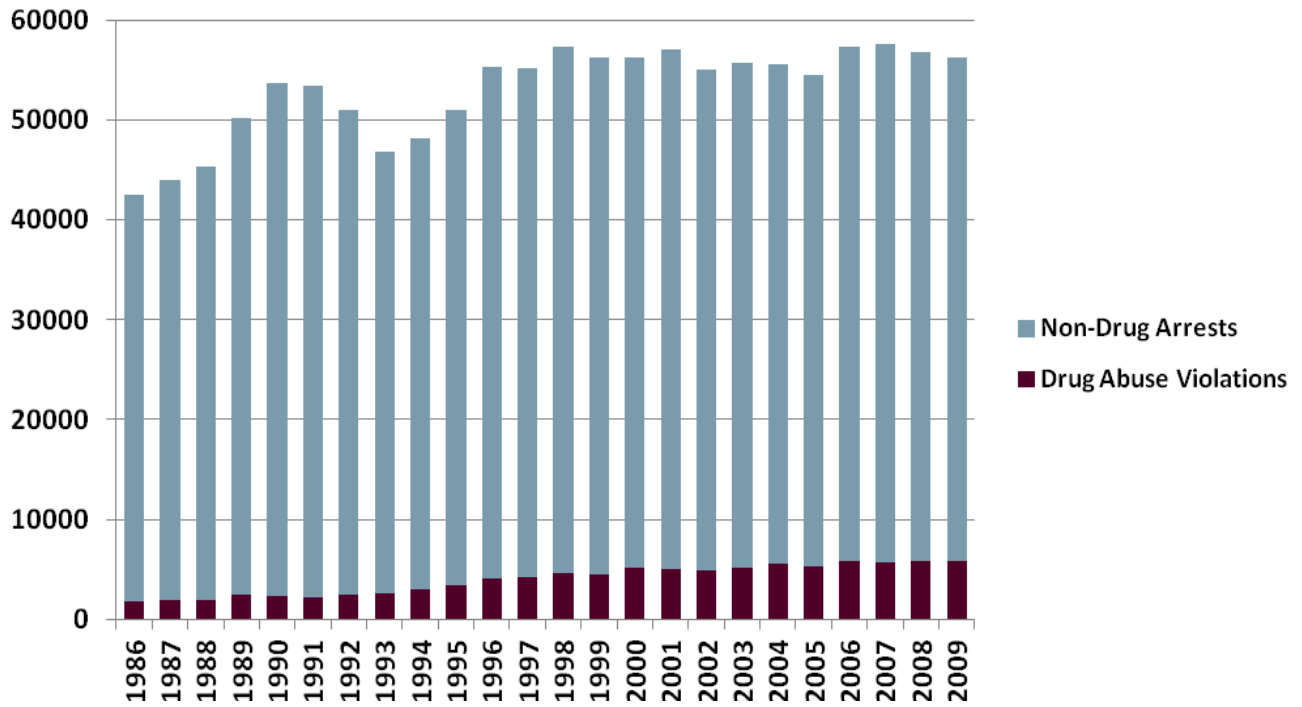
Drug arrests have increased dramatically in Maine over the last 25 years. Arrest data collected between 1986 and 2010 shows the number of drug arrests increasing from 1,747 in 1986 to 5,912 in 2010, which is an increase of 238.4%. The share of drug arrests as a percentage of all arrests in Maine has risen from 4.1% in 1986 to 10.9% in 2010.

Figure 1 - Drug Arrests (1986 – 2010)



In 2010, 5,912 drug arrests and 48,400 non-drug arrests were reported, compared to only 1,747 drug arrests and 40,790 non-drug arrests in 1986. Over the past ten years, arrests for drug offenses have increased by 18%, while arrests for all non-drug offenses have decreased by 7%.

Figure 2 - Drug and Non-Drug Arrests (1986 – 2009)

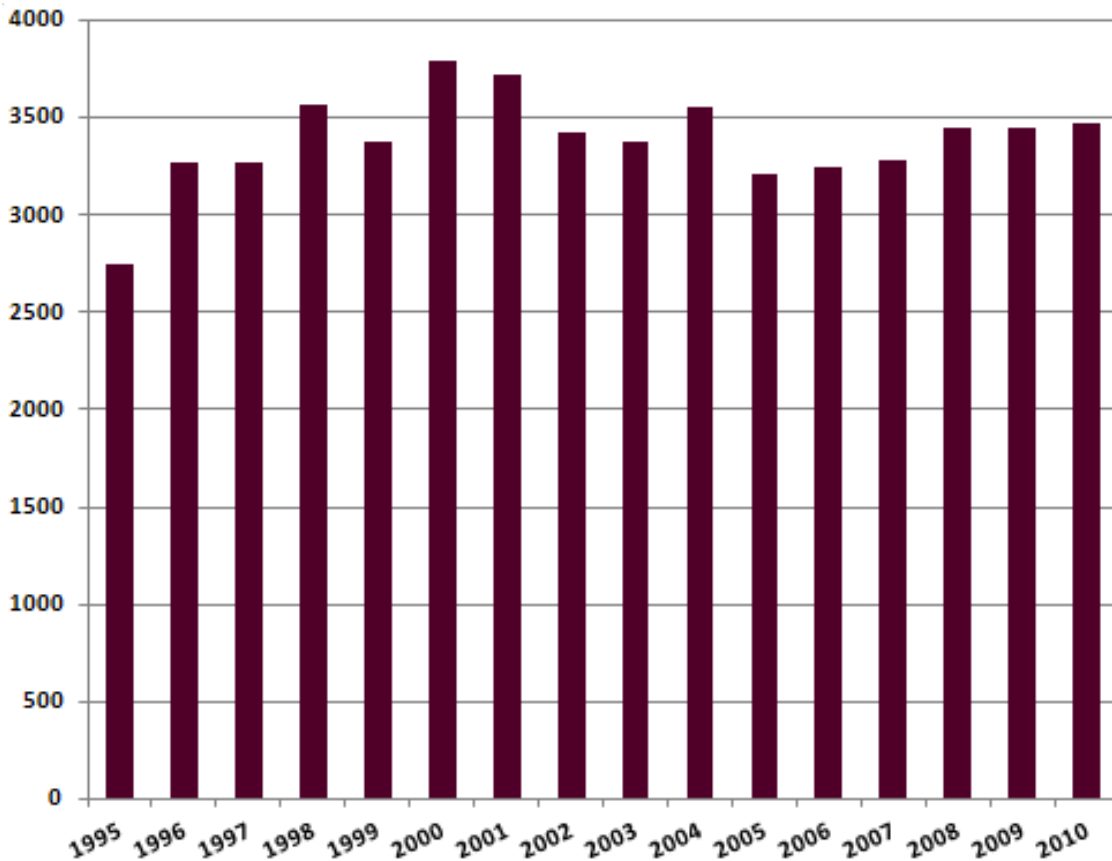


Over the course of the last 25 years, there were minor declines in total drug arrests in 1999, 2001, 2005, and 2007, but overall drug arrests have gradually increased. The arrest rates for other crimes have declined since 1998 (except for a one year increase in 2001).

Marijuana Drug Arrests in Maine

Drug arrests for marijuana offenses (including possession and sale/manufacturing offenses) remain the most prevalent type of drug arrest over the last sixteen years and represent more than half (58.7%) of all drug arrests. However, the percent of marijuana arrests compared to overall drug arrests has declined over the past ten years. In 1995, marijuana arrests accounted for 80.5% of all drug offense arrests versus 58.7% in 2010. In recent years, there has been virtually no change in the total number of marijuana arrests. The percentage increase in the number of marijuana arrests between 2009 and 2010 was less than one percent. Between 1995 to 2010, marijuana arrests increased by 26.1%, which was far lower a rate of increase than arrests for other narcotics offenses.

Figure 3 - Total Marijuana Arrests (1995 – 2010)



Closer examination by type of marijuana arrest and by the age of the arrestee reveals divergent trends (see Table 1). Arrests of juveniles (< age 18) for marijuana offenses declined 7% overall between 1995 and 2010, while those of adults increased by 33%. For possession of marijuana, which represents over 80% of all marijuana arrests over the fifteen year period, arrests of juveniles declined by 4.5%, while arrests of adults rose by 35%. Sale and manufacturing of marijuana showed an even greater divergence. Arrests of juveniles for sale and manufacturing of marijuana declined by 23%, while arrests of adults increased by 24% between 1995 and 2010.

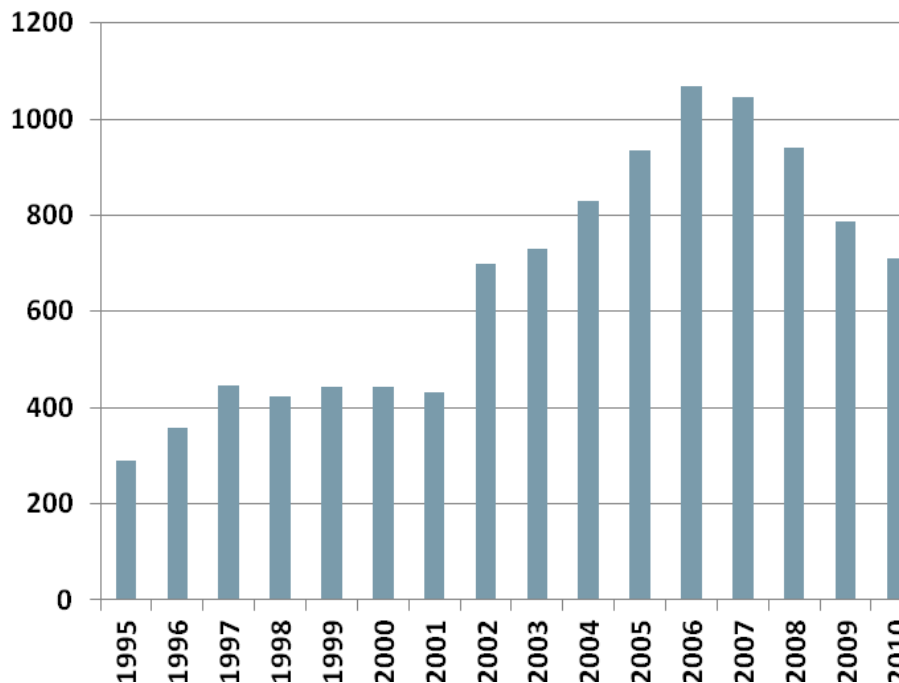
Table 1 - Marijuana Arrests by Age and Type (1995 – 2010)

Year	Possession			Sale/Manufacturing			Total		
	<18	18+	Total	<18	18+	Total	<18	18+	Marijuana
1995	423	1823	2246	64	443	507	487	2266	2753
1996	544	2081	2625	76	565	641	620	2646	3266
1997	545	2162	2707	51	509	560	596	2671	3267
1998	501	2657	3158	60	345	405	561	3002	3563
1999	477	2396	2873	48	452	500	525	2848	3373
2000	636	2617	3253	64	482	546	700	3099	3799
2001	593	2605	3198	85	436	521	678	3041	3719
2002	489	2322	2811	126	485	611	615	2807	3422
2003	579	2202	2781	103	495	598	682	2697	3379
2004	528	2458	2986	87	482	569	615	2940	3555
2005	429	2314	2743	61	412	473	490	2726	3216
2006	417	2372	2789	63	393	456	480	2765	3245
2007	415	2440	2855	55	379	434	470	2819	3289
2008	391	2551	2942	50	458	508	441	3009	3450
2009	431	2469	2900	58	492	550	489	2961	3450
2010	404	2468	2872	49	550	599	453	3018	3471

Opium, Cocaine, and Derivatives Drug Arrests in Maine

The number of arrests for possession or sale/manufacturing of opium, cocaine, and derivatives has increased 146% over the past sixteen years. Derivatives are defined as morphine, heroin, and codeine. However, since the peak in 2006 there has been a 33.6% decline of arrests for these drugs. The cause is unclear, but it may indicate that drug users are substituting other, cheaper substances, such as synthetic narcotics or other non-narcotics, in place of these more expensive drugs. In 2006, opium, cocaine, and derivatives comprised 18% of total drug arrests, but in 2010 they comprised 12% of the total. Examining the data on an annual basis shows that between 2001 and 2002 there was a 62% increase in the number of arrests for these drugs. Much of this increase may be the result of improved reporting from local law enforcement due to statutory changes that better identified specific drug types, and possibly an accelerated use of these narcotics.

Figure 4 - Total Opium, Cocaine & Derivatives Arrests (1995 – 2010)



The trends in type of arrest and age of the arrestee (See Table 2) show that opium, cocaine and derivatives narcotics are more prevalent among adults. Arrests of adults for these narcotics offenses represented 99% of all arrests in this category. Arrests of juveniles for these narcotics offenses have never represented more than 5% in any one year. In the last year of data alone, arrests of juveniles for opium, cocaine and derivatives offenses fell from 23 in 2009 to only 6 arrests in 2010, the lowest total over the fifteen year period.

Over the last five years, the number of arrests for both possession (-41.4%) and sale/manufacturing (-20.0%) of opium, cocaine and derivatives has declined, possibly due to new, cheaper drugs entering the state.

Table 2 - Opium, Cocaine & Derivatives Arrests by Age and Type (1995 – 2010)

Year	Possession			Sale/Manufacturing			Total		
	<18	18+	Total	<18	18+	Total	<18	18+	Opium, Cocaine, & Derivatives
1995	5	106	111	8	169	177	13	275	288
1996	6	152	158	9	192	201	15	344	359
1997	7	187	194	4	248	252	11	435	446
1998	8	208	216	3	203	206	11	411	422
1999	12	199	211	8	223	231	20	422	442
2000	9	233	242	6	196	202	15	429	444
2001	10	240	250	13	169	182	23	409	432
2002	16	367	383	12	305	317	28	672	700
2003	17	407	424	3	304	307	20	711	731
2004	19	433	452	8	369	377	27	802	829
2005	11	507	518	13	404	417	24	911	935
2006	21	663	684	12	373	385	33	1036	1069
2007	11	626	637	1	407	408	12	1033	1045
2008	5	588	593	6	340	346	11	928	939
2009	10	429	439	13	336	349	23	765	788
2010	6	395	401	0	308	308	6	703	709

Synthetic Narcotics Drug Arrests in Maine

The state of Maine defines synthetic narcotics as manufactured narcotics that can cause addiction, such as Demerol, “bath salts,” and various types of methadone. The number of arrests for possession or sale/manufacturing of synthetic narcotics has continually increased since 1995, rising 347.8% from 138 arrests in 1995 to 618 arrests in 2010. Aside from a one year decline in 2007, arrests for synthetic narcotics offenses have risen every year in the past fifteen years. In 2010, synthetic narcotics arrests comprised the largest proportion of total drug arrests it has represented over the past sixteen years, at 10.5%, compared to only 4% in 1995. In comparison with all the other drug categories, arrests for synthetic narcotics offenses comprise the smallest percentage of total drug arrests, despite the proportional increase.

Figure 5 - Total Synthetic Narcotics Arrests (1995 – 2010)

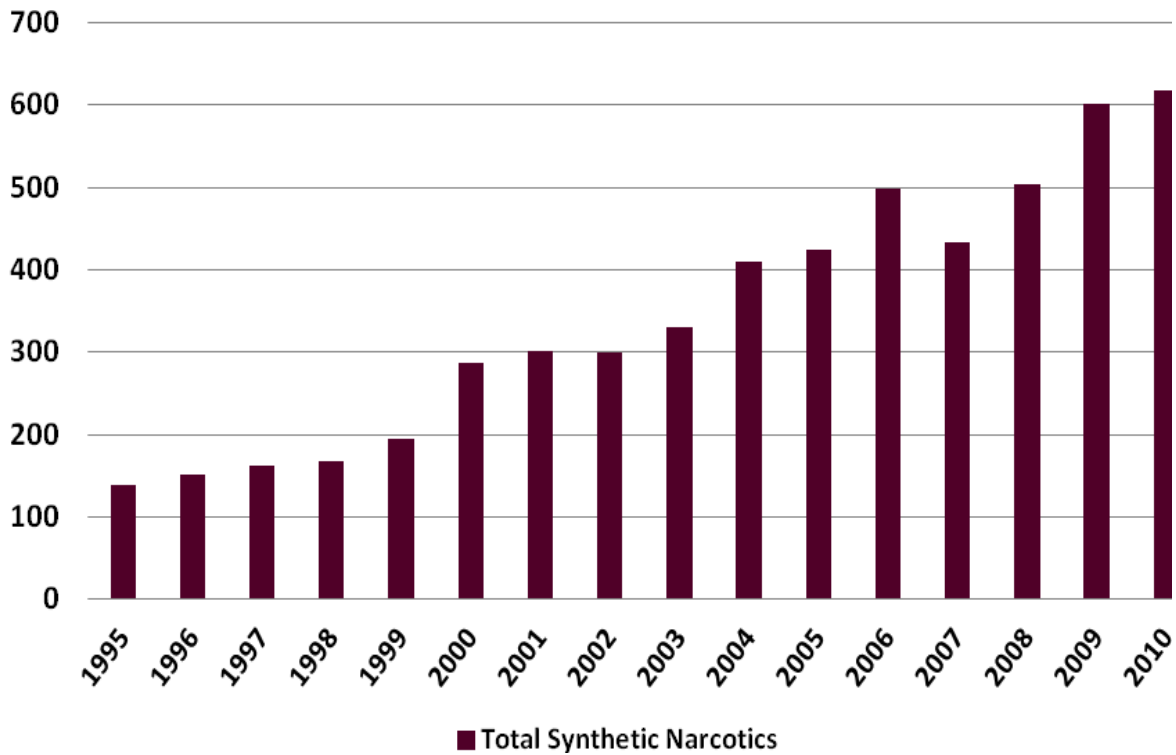


Table 3 shows that 96% of all arrestees for possession or sale/manufacturing of synthetic narcotics are adults. Between 1995 and 2002, arrests of juveniles for these offenses ranged between 9% and 17% of all synthetic narcotics arrests. The decline in juvenile arrests since 2007 may be related to the overall decline in arrests of juveniles for all types of crime, and because of the types of synthetic drugs that are currently being sold and distributed. In comparison, arrests of adults for possession of synthetic narcotics have increased nearly fourfold (380.3%) and have increased nearly fivefold (477.3%) for sale/manufacturing of synthetic narcotics.

Most arrests for synthetic narcotics offenses have been for possession, ranging from a high of 77% in 2002 to a low of 56.5% in 2009. In 2010, 57.6% of total synthetic drug arrests were for possession, suggesting that sale/manufacturing may be increasing in Maine.

Table 3 - Synthetic Narcotics Arrests by Age and Type (1995 – 2010)

Year	Possession			Sale/Manufacturing			Total		Synthetic Narcotics
	<18	18+	Total	<18	18+	Total	<18	18+	
1995	12	71	83	11	44	55	23	115	138
1996	14	73	87	7	57	64	21	130	151
1997	12	95	107	2	54	56	14	149	163
1998	17	98	115	3	49	52	20	147	167
1999	30	101	131	3	60	63	33	161	194
2000	30	143	173	18	96	114	48	239	287
2001	17	191	208	10	84	94	27	275	302
2002	41	191	232	11	57	68	52	248	300
2003	17	191	208	12	110	122	29	301	330
2004	24	238	262	13	135	148	37	373	410
2005	29	250	279	8	138	146	37	388	425
2006	25	324	349	8	142	150	33	466	499
2007	8	307	315	2	116	118	10	423	433
2008	18	301	319	3	181	184	21	482	503
2009	17	323	340	7	255	262	24	578	602
2010	15	341	356	8	254	262	23	595	618

'Other' Non-Narcotics Drug Arrests in Maine

The state of Maine defines 'other' non-narcotics as barbiturates and Benzedrine (i.e. stimulants and sedatives). Similar to synthetic narcotics, other non-narcotic drug arrests reached their peak percentage of total drug arrests in 2010 at 18.8%. From 1995 to 2010, other non-narcotics arrests increased from 239 to 1114, a 366.1% increase. The increase has been especially dramatic in 2009 – 2010, rising 27% since 2008. Aside from one-year declines in 2002, 2005 and 2007, non-narcotic drug arrests have risen.

Figure 6 – Total 'Other' Non-Narcotics Arrests (1995 – 2010)

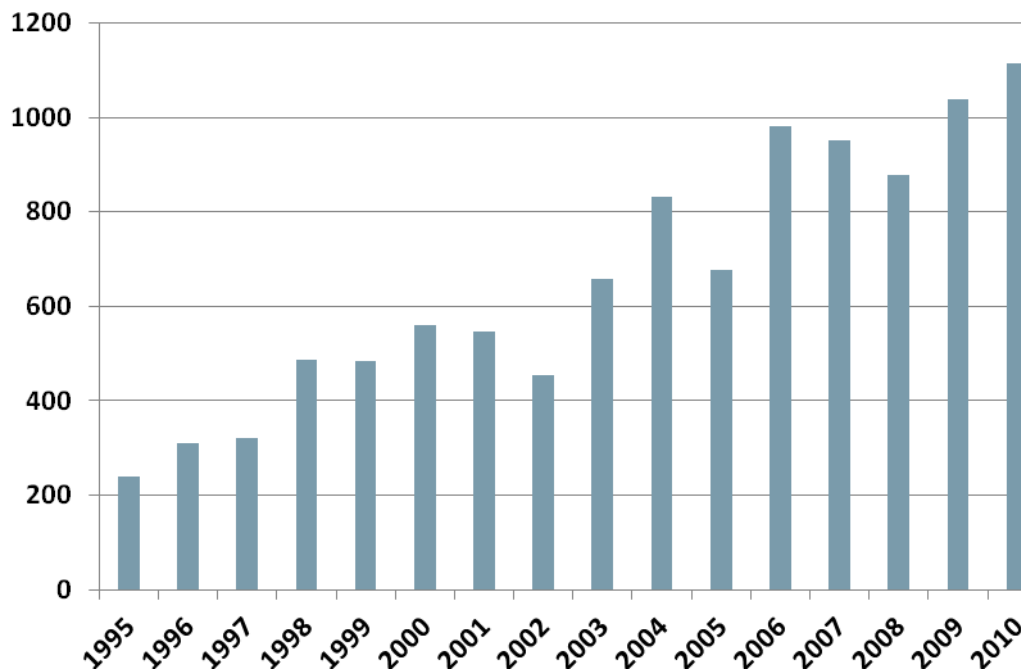


Table 4 below shows that arrest rates of both adults and juveniles for other non-narcotics offenses, such as barbiturates and Benzedrine, are higher today (2010) than in 1995. Arrests of juveniles for possession and sale/manufacturing of other non-narcotics have increased by 60.6% and 357% respectively. While juvenile arrest totals in this category of drug offense are relatively low, the rate increase is similar to that of adult arrests, which increased 365.8% for possession and 583% for sale/manufacturing.

Across the fifteen year period, arrests for possession of other non-narcotics have accounted for roughly two-thirds of all other non-narcotics arrests. Possession arrests have ranged from a high of 77% in 1995 to a low of 63% in 2001. In 2010, 68% of arrests were for possession of non-narcotic drugs in the 'other' category.

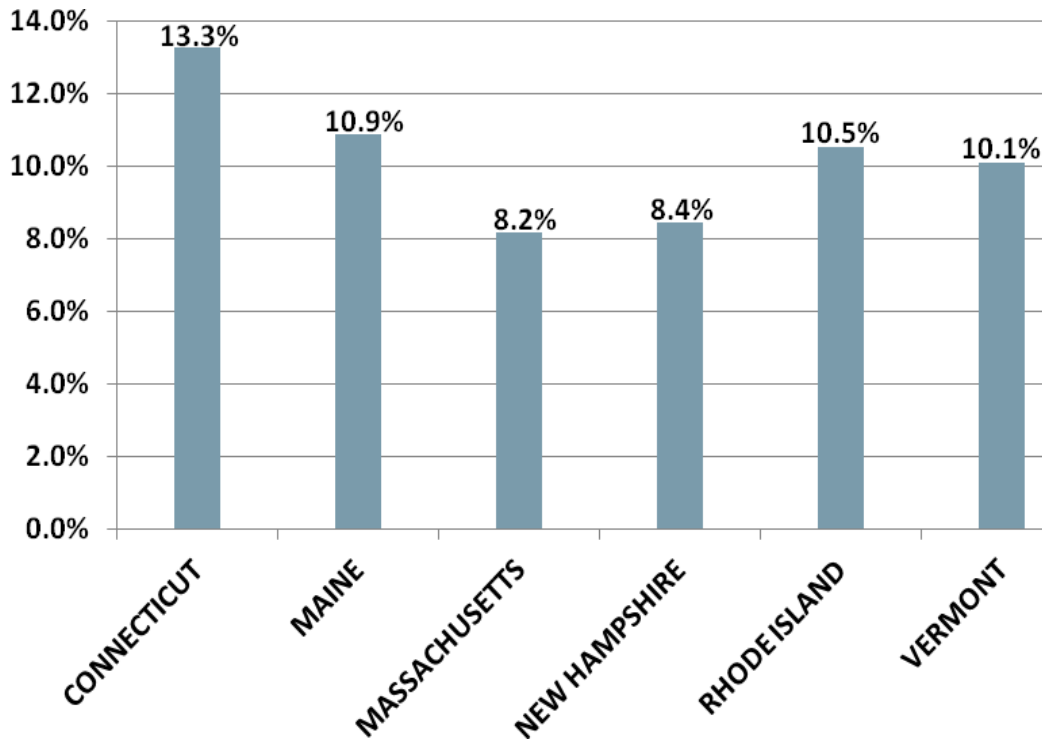
Table 4 - 'Other' Non-Narcotics Arrests by Age and Type

Year	Possession			Sale/Manufacturing					Total Other Non-Narcotics
	<18	18+	Total	<18	18+	Total	<18	18+	
1995	33	152	185	7	47	54	40	199	239
1996	63	164	227	17	66	83	80	230	310
1997	58	152	210	21	89	110	79	241	320
1998	77	253	330	20	137	157	97	390	487
1999	70	271	341	27	117	144	97	388	485
2000	89	299	388	43	129	172	132	428	560
2001	79	268	347	39	161	200	118	429	547
2002	47	276	323	24	108	132	71	384	455
2003	63	393	456	34	169	203	97	562	659
2004	75	554	629	52	150	202	127	704	831
2005	50	455	505	24	147	171	74	602	676
2006	64	664	728	24	230	254	88	894	982
2007	43	624	667	36	247	283	79	871	950
2008	58	568	626	24	227	251	82	795	877
2009	47	688	735	34	270	304	81	958	1039
2010	53	708	761	32	321	353	85	1029	1114

Section II: Drug Arrest Trends in New England and the U.S. (2006 - 2010)

In 2010, Maine had the second highest percentage (10.9%) of total drug arrests in all of New England. Connecticut had the largest percentage at 13.3%, and Massachusetts had the lowest percentage (8.2%). Rhode Island had the third largest percentage of drug arrests at 10.5%, followed by Vermont (10.1%) and New Hampshire (8.4%).

Figure 7 - Drug Arrests as a Percentage of all Criminal Arrests in each New England State (2010)



Over the last five years, New England drug arrest trends have varied. While Maine and Rhode Island have shown modest growth in drug arrests, at 2.7% and 2.5% respectively, New Hampshire's (21.3%) and Connecticut's (39.5%) rates have increased dramatically, at 21.3% and 39.5%, respectively. During the same five year period, Vermont's (-17.1%) and Massachusetts' (-31.8%) drug arrest rates have decreased.

Table 5 – New England - Five Year Change in Drug Arrests¹

New England Drug Arrests 2006-2010			
	2006	2010	Percentage Change
Connecticut	12249	17092	39.5%
Maine	5779	5933	2.7%
Massachusetts	17729	12086	-31.8%
New Hampshire	3228	3915	21.3%
Rhode Island	3688	3782	2.5%
Vermont	1394	1156	-17.1%

In 2010, Maine ranked 27th lowest in the United States for drug arrests as a percentage of all Uniform Crime Index (UCR) arrests.² Hawaii had the lowest rate of drug arrests as a proportion of all crime index arrests in the country at 4.4%, followed by Alabama (5.3%), Alaska (5.9%), Montana (6.0%) and Colorado (7.3%). States with the highest drug arrest rates in proportion to all crime arrests were Illinois (29.5%), New York (18.5%), Maryland (18.5%), California (17.8%) and South Carolina (15.6%). The high rates found among the bottom five may be due to high levels of crime in major metropolitan areas, such as Chicago, New York, Los Angeles and Baltimore.

¹ Drug Arrest totals in Section II are from the Federal Bureau of Investigation's (FBI) annual report of arrests in all fifty states. The 2010 total of drug arrests in Maine reported by the FBI are slightly higher than the UCR totals reported by the Maine Department of Public Safety in their annual *Crime in Maine* report (see page 3). The discrepancy is due to the timing of when the data is finalized and reported by each agency.

² For the purposes of this analysis, states are ranked by their proportion (percentage) of drug arrests to all UCR arrests. Thus Hawaii's ranking of number 1 signifies that compared to all other states, it has the lowest proportion of drug arrests to all of its other crime arrests.

Over the last five years, Maine has fallen in the national rankings for lowest share of drug arrests, from 19th in 2006 to 27th in 2010. Massachusetts saw the most significant improvement in the rankings, rising from 35th in 2006 to 10th in 2010. This trend is reflected in the five year change of drug arrests (see Figure 2) which declined by 39.5% between 2006 and 2010. Connecticut was the only other state to show a dramatic change in ranking, rising from 32nd in 2006 to 40th in 2010.

Table 6 – New England Rank by Lowest Share of Drug Arrests (2006-2010)

	National Ranking in 2006	National Ranking in 2010
Connecticut	32	40
Maine	19	27
Massachusetts	35	10
New Hampshire	8	11
Rhode Island	21	23
Vermont	20	21

Section III: Maine's Drug Offender Recidivism Outcomes

In recent years, prisoner reentry has become an important issue within the field of corrections and with the public. There has been a widespread increase in the numbers of offenders released into communities, accompanied by a corresponding increase in re-offending rates in the United States.

This section provides an overview of recidivism outcomes in Maine for drug offenders entering probation. Tracking, describing, and analyzing outcomes (recidivism) of released offenders provides vital justice performance measurement information.

Overall Demographics

Researchers examined 28,884 offenders who entered probation between January 2004 and December 2011. Of the drug offenders in the sample, nearly one third (29.7%) of drug offenders were women, significantly higher than their proportion of non-drug offenders. Drug offenders were significantly more likely to be non-white (10.9%) and single than non-drug offenders. No major differences were found between the two groups of probationers in their mean or median age, nor at their age at first arrest. Those with some college or more accounted for only 6.6% of the drug offender sample, while nearly half (48.1%) had less than a high school diploma and only 45.4% only completed high school or a GED.

Table 7 - Characteristics of Maine Probationer Sample, 2004-2011³

	Drug Offenders		Non-Drug Offenders		Total Sample	
	N	%			N	%
Gender						
Male	2,948	70.3%	20,664	83.7%	23,612	81.7%
Female	1,246	29.7%	4,018	16.3%	5,264	18.2%
Cohort	N	%			N	%
2004	542	12.9%	4,312	21.2%	4,854	16.8%
2005	385	9.2%	3,252	16.0%	3,637	12.6%
2006	496	11.8%	2,961	14.5%	3,457	12.0%
2007	600	14.3%	2,908	14.3%	3,508	12.1%
2008	501	11.9%	2,907	14.3%	3,408	11.8%
2009	563	13.4%	2,869	14.1%	3,432	11.9%
2010	585	13.9%	2,808	13.8%	3,393	11.7%
2011	522	12.4%	2,666	13.1%	3,188	11.0%
Race	N	%			N	%
White	3,736	89.1%	22,805	92.4%	26,541	91.9%
Non-White	458	10.9%	1,877	7.6%	2,335	8.1%
Marital Status	N	%		%	N	%
Single	2,380	63.6%	13,232	60.0%	15,612	60.5%
Married	566	15.1%	3,844	17.4%	4,410	17.1%
Divorced/Separated/ Widowed	799	21.3%	4,987	22.6%	5,786	22.4%
Age Group	N	%			N	%
18-24	1,098	26.2%	6,643	26.9%	7,741	26.8%
25-34	1,464	34.9%	7,927	32.1%	9,391	32.5%
35-44	911	21.7%	5,747	23.3%	6,658	23.1%
45-54	558	13.3%	3,204	13.0%	3,762	13.0%
55-64	145	3.5%	902	3.7%	1,047	3.6%
65+	18	0.4%	242	1.0%	260	0.9%
Age						
Mean	33.0		33.4		33.3	
Median	30.0		31.0		31.0	
Highest Grade Completed	N	%			N	%
Up to 11th Grade	1,417	48.1%	8,429	47.5%	9,846	47.6%
12th Grade / GED	1,337	45.4%	8,150	45.9%	9,487	45.8%
Some College or More	192	6.5%	1,173	6.6%	1,365	6.6%
Age at First Arrest						
Mean	21.1		21.2		21.2	
Median	18.0		18.0		18.0	

³ The data were collected by the Maine Department of Corrections.

Re-Arrest Rates of Drug Offenders Admitted to Probation between 2004-2011

Drug offenders on probation had lower rates of re-arrest for a new crime than non-drug offenders at one and two years after admission to probation. Within one year of admission to probation, drug offenders were re-arrested for any type of new crime at 21.9% compared with 24.4% for non-drug offenders. Drug offender re-arrest rates at two and three years were 30.1% and 33.3%, which was slightly lower than the rate of non-drug offenders at two years (30.9%) and slightly higher at three years than non-drug offenders (33.0%). For technical violations, drug offenders had statistically significant lower rates than non-drug offenders at one, two and three years after entering probation.

Table 8: Recidivism Measure, Re-Arrested

Within 1 Year Entering Probation (2004-2011 ⁴)	Total Sample		Drug Offenders		Non-Drug Offenders	
	N	%	N	%	N	%
Re-arrested for any type of crime**	6,546	24.0%	858	21.9%	5,688	24.4%
Re-arrested for technical violation**	8,089	29.7%	1,082	27.6%	7,007	30.0%
Re-arrested for any type of crime or technical violation**	12,200	44.7%	1,629	41.5%	10,571	45.3%
Total Probation Entrants	27,278		3,921		23,357	
Within 2 Years Entering Probation (2004-2010)						
Re-arrested for any type of crime	7,403	30.8%	1,016	30.1%	6,387	30.9%
Re-arrested for technical violation*	9,124	38.0%	1,217	36.1%	7,907	38.3%
Re-arrested for any type of crime or technical violation**	12,934	53.9%	1,727	51.2%	11,207	54.3%
Total Probation Entrants	24,010		3,373		20,637	
Within 3 Years Entering Probation (2004-2009)						
Re-arrested for any type of crime	6,830	33.1%	933	33.3%	5,897	33.0%
Re-arrested for technical violation**	8,541	41.4%	1,093	39.1%	7,448	41.7%
Re-arrested for any type of crime or technical violation*	11,621	56.3%	1,517	54.2%	10,104	56.6%
Total Probation Entrants	20,641		2,798		17,843	

*- $P < .05$ ** - $P < .01$

⁴ One year re-arrest rates do not include offenders who entered probation after June 26, 2011. The data extract for this analysis did not monitor those clients for a full year. Two year and three year re-arrest rates do not include offenders who entered probation after June 26, 2010 or June 26, 2009 respectively for the same reason.

Findings

While Maine continues to be one of the safest states in the nation, drug offense arrests have increased dramatically in Maine over the last 25 years. Arrest data collected between 1986 and 2010 shows the number of drug arrests increasing from 1,747 in 1986 to 5,912 in 2010, which is an increase of 238.4%. In addition, the share of drug arrests as a percentage of all arrests in Maine has risen from 4.1% in 1986 to 10.9% in 2010. The Maine Drug Enforcement Agency has created a multi-jurisdictional drug task force to provide a central administrative structure for the establishment, coordination, and oversight of specialized narcotics and narcotic-related investigative units within the State of Maine. While the task force is likely one of the drivers of the increase in arrests for drug offenses across the state, it has also supported efforts at proactively addressing the proliferation of illegal drug activity, such as bath salts and other synthetic narcotics through enhanced intelligence sharing, reduced jurisdictional boundary problems, and the integration of prosecuting personnel with the day-to-day case work of investigators.

The data on adult probationer drug offender recidivism rates suggest that drug offenders do not re-offend at significantly higher rates than non-drug offenders. From 2004 to 2011, the one year re-arrest rate of drug offenders for any new crime was lower than for non-drug offenders (21.9% vs. 24.4%). In addition, technical violation rates were lower for drug offenders than non-drug offenders at one, two and three years. These rates may suggest that drug offenders are a less risky population for re-offending and may not require more intensive supervision in communities than certain other offenders.

This report contains multiple measures of recidivism, including re-offense rates for new criminal conduct, technical violations and all violations measured over consistent follow-up periods. Future reporting on drug offenders may be able to expand the follow up period to five years or more, and examine specific types of recidivating events.

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Acknowledgements

The SAC gratefully acknowledges the assistance of the following:

- Barry Stoodley, Associate Commissioner of Juvenile Services, Maine Department of Corrections
- Ellis King, Quality Improvement Manager, Maine Department of Corrections
- Judy Plummer-Beale, Director of Correctional Programs, Maine Department of Corrections
- Mary Lucia, Senior Planner, Maine Department of Public Safety
- Paul Vestal, Chair, Maine Juvenile Justice Advisory Group
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Special Thanks

- To the Maine SAC Advisory Group for the unwavering commitment to expand justice trend and performance measurement data for the purpose of informing and improving justice policy and practice in Maine.

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