PRETRIAL CASE PROCESSING IN MAINE

A STUDY OF SYSTEM EFFICIENCY & EFFECTIVENESS

SUBMITTED TO MAINE'S CORRECTIONS ALTERNATIVES ADVISORY COMMITTEE

BY

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This report was authorized by the Maine Corrections Alternative Advisory Committee (CAAC) and funded through a cooperative agreement with the National Institute of Corrections (NIC) (#06C57GJK5). This Institute is a federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe, and just correctional services.

Luminosity, Inc., the company that prepared this report and conducted the research upon which this report is based, did so at the request of the CAAC and NIC and in coordination with NIC's Division of Community Corrections and Prisons. This work is intended to assist the CAAC and the State of Maine in addressing the issues outlined in the original request made to NIC by the CAAC through the Maine Department of Corrections (MDOC) and to enhance the effectiveness of correctional services and related criminal justice services.

The contents of this document reflect the views of Luminosity, Inc. The contents do not necessarily reflect the official views or policies of the CAAC, NIC and MDOC.

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INTRODUCTION

The Corrections Alternatives Advisory Committee (CAAC) was created by the Maine Legislature in the spring of 2005 to improve the efficiency and effectiveness of the state's corrections system and to better manage costs. The objectives of the committee were to increase systemwide efficiencies, enhance state and county coordination, and effectively manage defendants/offenders risk and needs. A portion of the committee's responsibility was to examine the local criminal justice system which is considered the "front end" of the larger criminal justice system. An examination of the "front end" of the system, specifically the pretrial stage (including arrest through case disposition) and how cases are processed in the system was the focus of this study.

This in-depth study included an examination of the critical stages of pretrial case processing in all 16 counties in Maine, as well as the policies and practices of the key participants involved. The assessment was completed by conducting extensive research, onsite visits, interviews with nearly 250 key stakeholders, and observations of the critical stages of pretrial case processing. The results of the study led to findings and recommendations for improvements related to system efficiencies, system effectiveness, and risk management of pretrial defendants. Great care was taken to ensure that the recommendations were consistent with maintaining judicial system integrity, protecting the presumption of innocence, and ensuring the highest level of protection to our communities.

The report begins with an overview of Maine's pretrial case processing system, including the identification of seven critical stages and eight key system participants as listed below.

Critical Stages:

1. Arrest and Detention
2. Bail and Pretrial Release
3. Charging Decision
4. Initial Appearance/Arraignment
5. Plea Negotiations
6. Trial
7. Case Adjudication

Key System Participants:

1. Law Enforcement
2. Jails
3. Judicial Branch
4. Prosecutors
5. Defense Attorneys
6. Grand Jury
7. Pretrial Services
8. DOC – Probation Services

The system overview is followed by detailed narratives, from a statewide perspective, of the key system participants and their respective roles, policies, and practices related to the various critical stages of pretrial case processing. This section concludes with a flow chart representing pretrial case processing in Maine.

The report continues with 6 individual County sections which address the key system participants in each respective county and their related pretrial case processing policies and practices. The report concludes with detailed findings and corresponding recommendations for improvements related to system efficiencies, system effectiveness, and risk management of pretrial defendants.

SYSTEM OVERVIEW

The segment of the criminal justice system that handles pretrial case processing is comprised of many stages and requires the involvement of numerous criminal justice agencies and professionals. It would be time prohibitive to discuss at length every stage and criminal justice participant involved in pretrial case processing. An understanding of pretrial case processing can be achieved, however, by examining the seven critical stages and eight key system participants listed below.

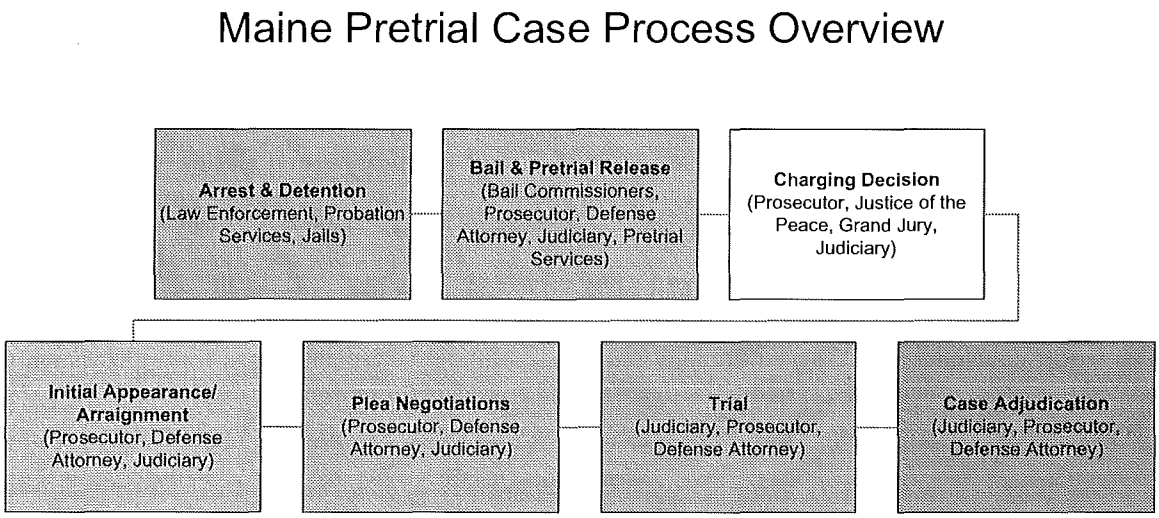
Critical Stages:

8. Arrest and Detention
9. Bail and Pretrial Release
10. Charging Decision
11. Initial Appearance/Arraignment
12. Plea Negotiations
13. Trial
14. Case Adjudication

Key System Participants:

9. Law Enforcement
10. Jails
11. Judicial Branch
12. Prosecutors
13. Defense Attorneys
14. Grand Jury
15. Pretrial Services
16. DOC – Probation Services

In most cases, a pretrial defendant flows through the seven stages outlined above requiring significant involvement with the first five key system participants. Only defendants charged with a felony offense may have a Grand Jury involved in their case processing. As will be discussed later, Pretrial Services are available on a very limited basis in 12 of the 16 counties. For this reason, the majority of defendants do not have contact with Pretrial Services. DOC – Probation Services is only involved if the arrest is for violation of probation; otherwise, DOC is not involved in standard pretrial case processing. It is critical to note that a defendant does not necessarily complete all seven stages before their case is disposed of. In addition, although the stages are listed in a general order, cases do not always follow the order presented. The following diagram contains the seven stages of pretrial case processing with the key system participants involved in each stage.



The eight key system participants incorporate many different agencies, divisions, and positions. The table below details various criminal justice agencies and professionals associated with each key system participant, as well as their primary duties and responsibilities related to pretrial case processing. The table is followed by a narrative of the key system participants and their respective roles in pretrial case processing and a flow chart representing pretrial case processing in Maine.

Pretrial Case Processing Key Participants	Duties and Responsibilities
Law Enforcement ▪ County Sheriff's Offices ▪ City and Town Police Departments ▪ College and University Police Departments ▪ State Police ▪ Maine Drug Enforcement Agency ▪ Department of Inland Fisheries & Wildlife ▪ Department of Marine Patrol	▪ Investigate Criminal Activity ▪ Summons and Arrest ▪ Court Testimony ▪ Victim Notification of Defendant Release in Domestic Violence Cases ▪ Provide Information to Bail Commissioners to Assist with the Bail Decision
Jails ▪ County Jails	▪ Booking ▪ Detention ▪ Release
Judicial Branch ▪ District Court → Bail Commissioners → Justices of the Peace ▪ Superior Court ▪ Problem Solving Courts → Drug Treatment Courts → Domestic Violence Case Coordination Projects → Co-occurring Disorders Court ▪ Administrative Office of the Courts → Financial Screeners	▪ Bail Setting ▪ Probable Cause Determination ▪ Initial Court Appearance ▪ Arraignment ▪ Bail Review ▪ Court Appointed Attorney Screening and Assignment ▪ Oversee Grand Jury ▪ Trial ▪ Adjudication
Prosecutors ▪ Attorney Generals Office ▪ District Attorneys Offices → Victim Witness Advocate → Deferred Disposition Programs	▪ Charging Decisions ▪ Victim Rights Notification and Advocacy ▪ Plea Negotiations ▪ Case Prosecution ▪ Monitor Deferred Dispositions
Defense Attorneys ▪ Privately Retained Attorneys ▪ Lawyer of the Day ▪ Court Appointed Attorneys	▪ Defendant Legal Representation
Grand Jury ▪ Citizens	▪ Evaluate Evidence ▪ Return Indictments
Pretrial Services ▪ Maine Pretrial Services, Inc. ▪ Volunteers of America NNE	▪ Screen and Recommend Supervision ▪ Supervise Conditions of Release
Department of Corrections – Probation Services ▪ Regional Probation Offices	▪ Provide Offender Supervision ▪ Report Violations of Probation ▪ Arrest/Summons Probation Violators ▪ Provide Court Testimony

LAW ENFORCEMENT

Pretrial case processing generally begins with an arrest or summons by a law enforcement agency. There are approximately 133 law enforcement agencies in the state including County Sheriff's Offices, City and Town Police Departments, College and University Police Departments, State Police, Maine Drug Enforcement Agency, Department of Inland Fisheries & Wildlife, and the Department of Marine Patrol. These agencies employ an estimated 2,214 full-time sworn law enforcement officers representing a ratio of 1.68 officers per 1,000 residents. This rate is lower than the 2004 national average of 2.4 per 1,000 residents.

There were 33,441 Index Crimes reported in Maine in 2005. Index Crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Crime rates are based on the occurrence of an Index Crime per 1,000 residents of the state. The state crime rate for 2005 was 25.36. This rate is significantly lower than the last reported national average in 2004 of 40.04. The charts below contain the statewide Index Crimes by type of crime and the crime rates between 2000 and 2005.

Reported Index Crimes 2000 – 2005

Crime	2000	2001	2002	2003	2004	2005
Murder	14	19	14	17	19	19
Rape	318	322	391	351	314	322
Robbery	246	263	269	289	289	323
Aggravated Assault	812	819	728	755	737	826
Burglary	6759	6878	6944	6571	6348	6277
Larceny	23808	24515	24496	24064	24096	24153
Motor Vehicle Theft	1317	1667	1418	1450	1305	1344
Arson	196	212	174	196	190	177
Total	33470	34695	34434	33693	33298	33441

Crimes Rates 2000 – 2005

Crime	2000	2001	2002	2003	2004	2005
Murder	0.01	0.01	0.01	0.01	0.01	0.01
Rape	0.25	0.25	0.3	0.27	0.24	0.24
Robbery	0.19	0.2	0.21	0.22	0.22	0.24
Aggravated Assault	0.64	0.64	0.56	0.58	0.55	0.63
Burglary	5.3	5.35	5.36	5.03	4.82	4.76
Larceny	18.7	19.1	18.9	18.4	18.3	18.32
Motor Vehicle Theft	1.03	1.3	1.1	1.11	0.99	1.02
Arson	0.15	0.16	0.13	0.15	0.15	0.13
Total	26.27	27.01	26.57	25.77	25.28	25.36

Maine law enforcement agencies cleared 9,407 offenses for a clearance rate of 28.3% in 2005. The crime rate for violent crime in Maine in 2005 was one offense per 1,000 residents compared to the national average of 4.6 per 1,000 as reported in 2004. The most recent statistics by the U.S.

Department of Justice ranks Maine 49th in violent crime with only North Dakota having a slightly lower rate.

Detailed arrest statistics for 2005 have not been released by the Maine Department of Public Safety as of this writing; however, the total number of persons arrested, summonsed, or cited totaled 54,128 (46,411 adults and 7,717 juveniles). For this reason, arrest statistics provided below are for 2000 through 2004 only.

Arrests by Charge 2000 – 2004

Crime	2000	2001	2002	2003	2004
Murder	9	12	13	13	21
Rape	106	115	126	90	105
Robbery	148	192	170	130	168
Aggravated Assault	632	531	485	597	580
Burglary	1328	1332	1474	1264	1273
Larceny	5390	5589	5440	5656	5630
Motor Vehicle Theft	372	415	403	370	352
Arson	64	75	68	71	47
Subtotal	8049	8261	8179	8191	8176
Manslaughter	2	4	1	-	4
Other Assaults	6887	7415	7389	7287	6861
Forgery & Counterfeiting	343	299	319	335	346
Fraud	1160	1165	1132	1069	1048
Embezzlement	11	20	19	34	26
Stolen Property	303	335	328	308	293
Vandalism	1721	1807	1867	1665	1629
Weapons	264	373	306	255	320
Prostitution & Commercialized Vice	22	70	40	12	29
Sex Offenses	286	326	254	256	304
Drug Abuse Violations	5090	5000	4877	5099	5625
Gambling	3	2	-	-	-
Offenses Against Family	480	441	369	345	334
Driving Under The Influence	7452	6845	6817	7357	7274
Liquor Laws	3089	3477	3595	3557	3566
Drunkenness	26	31	31	79	38
Disorderly Conduct	2051	1898	1686	1572	1808
All Other	18490	18762	17456	17992	17646
Curfew and Loitering	272	193	144	106	69
Runaways	330	317	227	195	158
Subtotal	48282	48780	46857	47523	47378
Grand Total	56331	57041	55036	55714	55554

ISSUANCE OF SUMMONS IN LIEU OF ARREST

A law enforcement officer has the discretion to issue a summons in lieu of arrest for primarily misdemeanor offenses excluding any assault, violation of a protection order, violation of probation, and violation of conditions of release (see *Title 17-A, Chapter 1, §15-A. Issuance of summons for criminal offense*). Utilization of summonses in lieu of arrests varies significantly between arresting agencies. Anecdotally, jail staff and law enforcement agencies alike reported the reasons for the varying utilization of summonses as being related to the size of the arresting agency, the distance between the arrest and jail location, and the preferences of individual officers. Smaller police departments reported using summonses in lieu of arrests significantly more often than larger departments in an attempt to free up limited resources. The reason cited by the departments was a reduced processing time for summonses as compared to arrests. Research would need to be conducted to confirm or reject this theory.

WARRANT REPOSITORY

A law enforcement agency can serve as a warrant repository for arrest warrants issued for a court district. *Title 15, Ch 99, §603. Warrant Repository* of the Maine Revised Code authorizes the District Attorney of each court district to designate, with the approval of the Chief Judge of the District Court, at least one law enforcement agency that is responsible for the maintenance, administration, and retention of attested copies of arrest warrants issued by the courts. The criteria for selecting a law enforcement agency as an arrest warrant repository can be found in *Title 15, Ch 99, §603*. All counties with the exception of Cumberland County have a designated warrant repository with either the County Sheriff's Office or an independent agency that also serves as a central dispatch center.

ALLEGED CRIME AND DEFENDANT INFORMATION

When a law enforcement officer arrests a defendant and takes them to jail, they are required to provide information to the jail related to the crime(s) alleged against the defendant as well as other basic information known about the defendant. In addition, a law enforcement officer may provide information directly to a Bail Commissioner by phone or document information to be provided to a Bail Commissioner by a Corrections Officer, which may include a recommendation for specific bail conditions.

DOMESTIC VIOLENCE INFORMATION AND VICTIM NOTIFICATION

As it relates to pretrial case processing, law enforcement agencies are involved in victim notification of a defendant's release from jail and providing information to Bail Commissioners related to a domestic violence case. *Title 25, Ch 341, §2803-B. Requirements of law enforcement agencies* requires law enforcement agencies to have procedures to deal with domestic violence which must include, at a minimum, the following:

1. A process to ensure that a victim receives notification of the defendant's release from jail;

2. A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a Bail Commissioner before a bail determination is made; ....

Information related to the existence and implementation of these two policies was received from Corrections Officers and other jail staff primarily because they initiate jail releases and obtain information from law enforcement to relay to Bail Commissioners. All jails reported having a procedure for victim notification, which included either Corrections Officers making notification directly to victims, Corrections Officers notifying the arresting agency so that they can notify the victims, or Corrections Officers notifying central dispatch so that they can notify the victims. Compliance with victim notification varied and appeared to be dependent upon the arresting agency providing sufficient victim contact information at the time of the jail booking and the quality of the system in place at the jail to trigger victim notification upon release.

All jails reported having a standard form for an arresting law enforcement agency to document the defendant and victim information to be provided to Bail Commissioners for domestic violence cases. Similar to victim notification, compliance varied and appeared to be dependent upon the arresting law enforcement agency providing sufficient information to the jail at the time of booking.

COUNTY JAILS

There are 15 county jails in operation in Maine as of August 2006. All counties, with the exception of Sagadahoc, operate a county jail. It should be noted, however, that Lincoln and Sagadahoc Counties have joined together to build the Two Bridges Regional Jail, which is scheduled to open by the end of 2006. The current capacity of the 15 county jails is 1,815 beds including Department of Corrections authorized variances. This capacity excludes the Two Bridges Regional Jail currently under construction (209 beds) and the new jail planned for Somerset County (150 beds).

County jails receive arrested defendants from law enforcement agencies. A defendant is booked into the jail, classified to determine where they will be housed in the facility if they remain detained, and are incarcerated until bail is secured or the Court adjudicates the case. In addition, jail staff often initiate the bail setting process by contacting Bail Commissioners (see *Bail Commissioners*, pg. 19).

As it relates to pretrial case processing, the booking process consists of four main components: obtaining defendant fingerprints, obtaining defendant picture, collection of charge, demographic, and general booking related data, and review of available criminal history. Fingerprints are obtained either by utilizing ink print cards or an automated fingerprint identification system (AFIS). Pictures are obtained either by utilizing a traditional camera or a digital camera, which may or may not be integrated with a computer system. There is some variation as to the data that is collected at booking. There is also significant variation regarding access to criminal history information. Some jails have no access to state and national criminal records (State Bureau of Identification (SBI) maintained by the State Police; National Crime Information Center (NCIC) maintained by the FBI), some jails have limited and/or indirect access to SBI and NCIC records, while other jails have direct access to these records. In addition, policies relating to accessing criminal records as a part of the booking process also vary.

Jail data management is accomplished through automated Inmate Management Systems (IMS) with the exception of Somerset County, which maintains a manual system. The 14 jails with an IMS maintain a local database, which range from simple stand-alone systems to very advanced systems that integrate information between the Sheriff's Office and local public safety departments including police, emergency medical services, and fire. The more advanced systems include records management as well as software for managing the day-to-day operations of jails, law enforcement,

dispatch, the 911 system, and personnel. In addition to the local IMS, the Maine Department of Corrections requires manual reporting of critical jail data on a monthly basis.

The original scope of this study included the development of population profiles of the pretrial and locally sentenced populations. These profiles were to be developed based on data from a sample of five (5) counties: Aroostook, Cumberland, Kennebec, Penobscot, and York. The profiles were to include the identification of pretrial risks and needs, the determination of the pretrial average length of stay, and the portion of the population that have probation violations. It was understood at the outset that the profiles were dependent upon the quantity and quality of data contained in each jail local inmate management system.

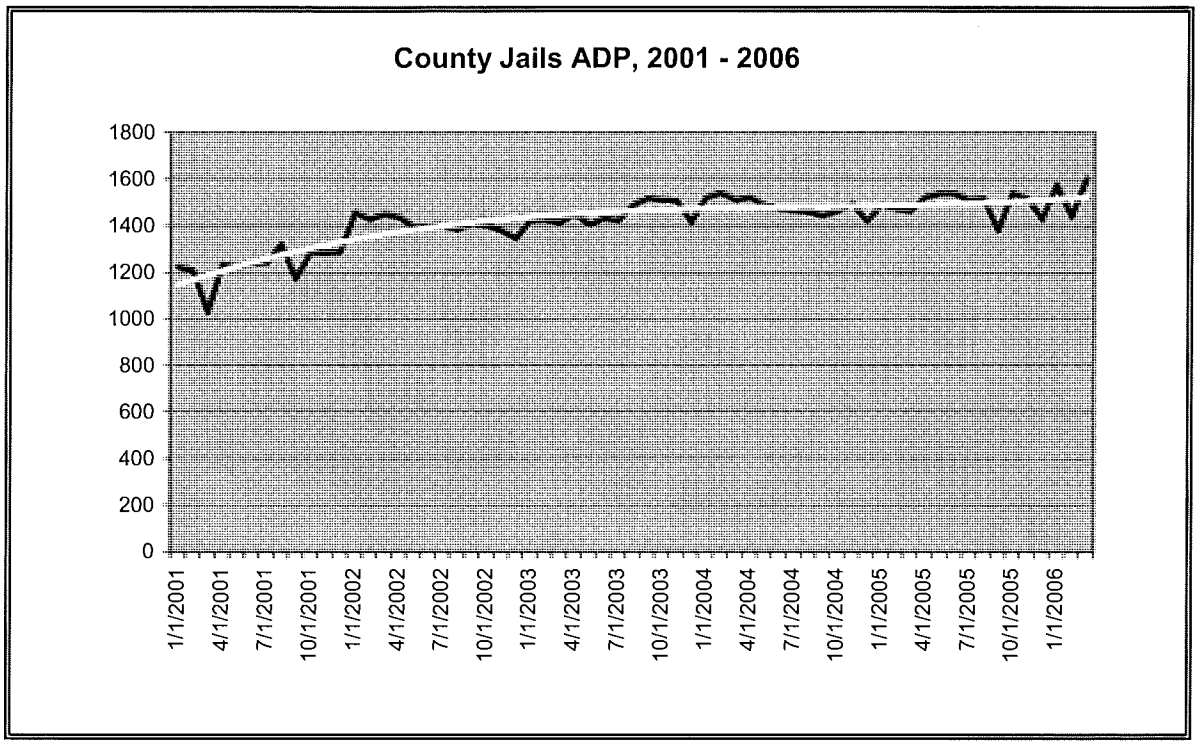
Preliminary requests for data identified several significant barriers to profile development. First, bail and criminal history related information was not collected in an automated format in any of the five counties and could not be provided for analysis. Second, pretrial risk related data collected in an automated format was extremely limited in all counties. Finally, the quantity and quality of the data contained in the systems varied significantly as well as each jail's ability to query their respective system. Only three counties (Aroostook, Penobscot, and York) were able to provide data for the analysis in the format and within the timeframe requested. The variation in data and the ability to query systems prevented the development of population profiles as originally designed. As a result, data was obtained from the Maine Department of Corrections in order to supplement the three county data. The Maine DOC provided data and the three county data were utilized to develop limited jail population profiles.

The jail population analysis contained in the Statewide Population Statistics section that follows, was based on data from the Department of Corrections Jail Monthly Reports and spans from January 2001 through March 2006. The jail population analysis contained in the Three County Population Profile section was based on data provided by Aroostook, Penobscot, and York County jails.

STATEWIDE POPULATION STATISTICS

The overall statewide average daily population of county jails has generally increased during the 63 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 1,229 (excluding Somerset County – data not available) in 2001 to a high of 1,540 for the first 3 months of 2006, representing a 25% increase. Even with the inclusion of the Somerset County population, the chart below would still show a steady annual increase (see *County Jails ADP, 2001 – 2006* graph on the following page). Proportionately more female inmates are being held in Maine county jails. In 2001, less than 9% of county inmates were women. The percentage increased in 2003 to nearly 11% and has hovered around that mark ever since.

There have been significant fluctuations of the average length of stay (ALOS) of county jails since 2001. The current ALOS as of August 2006 is only slightly higher when compared to the ALOS in 2001; however, there were significant increases in 2002 and 2003, followed by a decrease in 2004. The ALOS has remained relatively steady since 2004 (see *County Jail Average Length of Stay, 2001 – 2006* graph on the following page).


County Jails ADP, 2001 - 2006
1800
1600
1400
1200
1000
800
600
400
200
0
1/1/2001
4/1/2001
7/1/2001
10/1/2001
1/1/2002
4/1/2002
7/1/2002
10/1/2002
1/1/2003
4/1/2003
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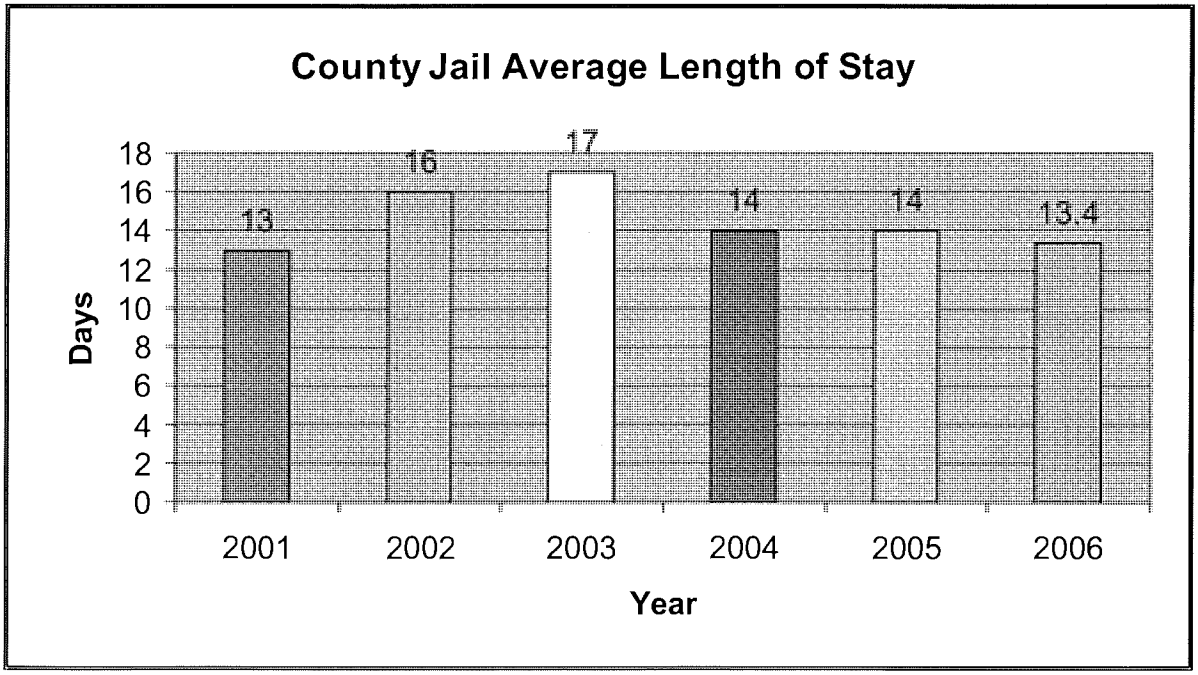
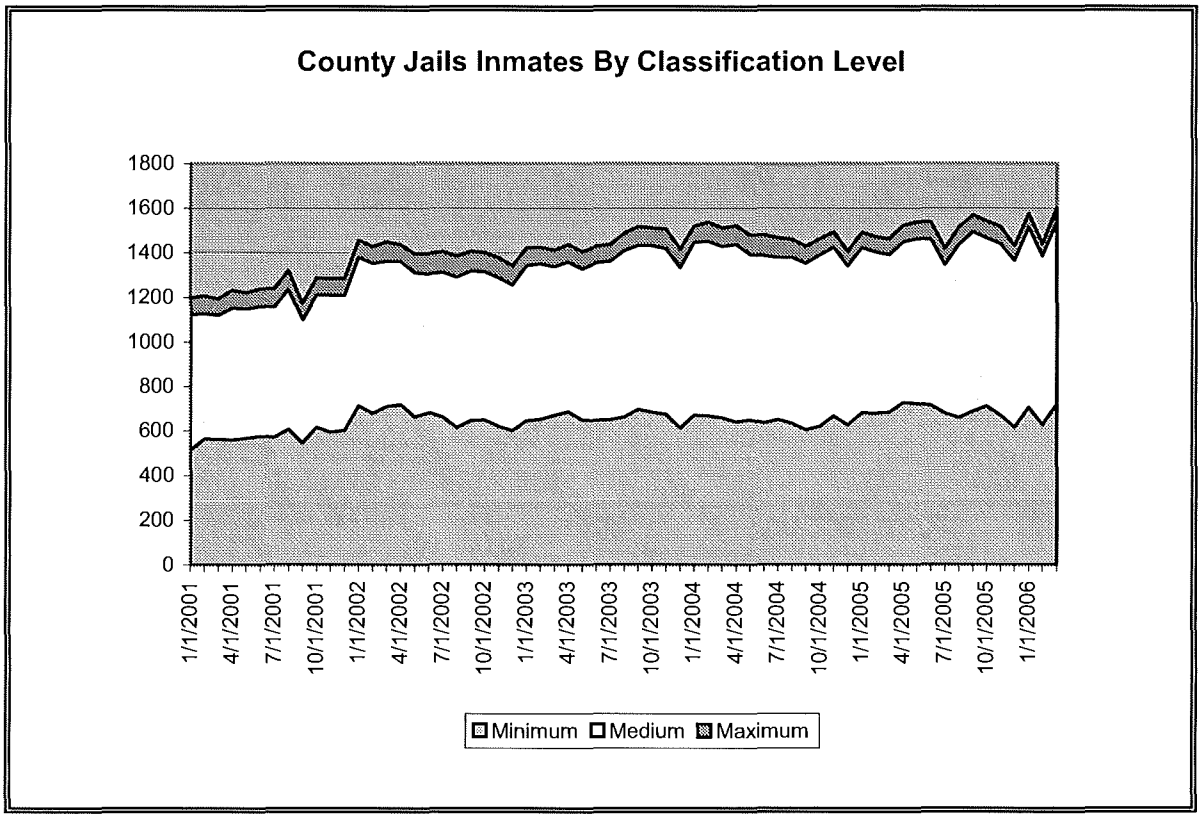
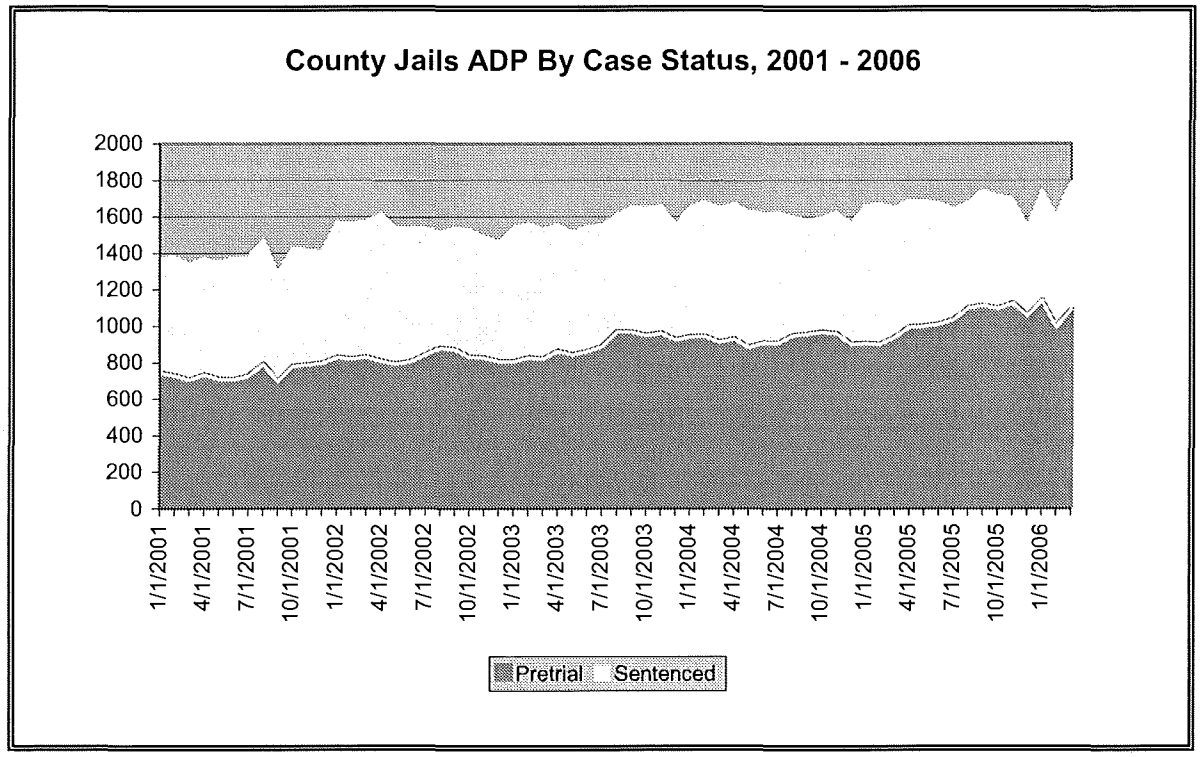

County Jail Average Length of Stay
Days
18
16
14
12
10
8
6
4
2
0
13
16
17
14
14
13.4
2001
2002
2003
2004
2005
2006
Year

The percentages of minimum, medium, and maximum security inmates have shifted. At the start of the analysis, minimum security inmates constituted 46% of the population while medium security inmates comprised 47% of the population. By 2006, those percentages have shifted to 44% and 52% respectively. Maximum security inmates made up approximately 6% of the county jail population in 2001. Thus far in 2006, maximum security inmates comprise about 4% of the population. The following chart depicts the classification trends for all inmates held in county jails.

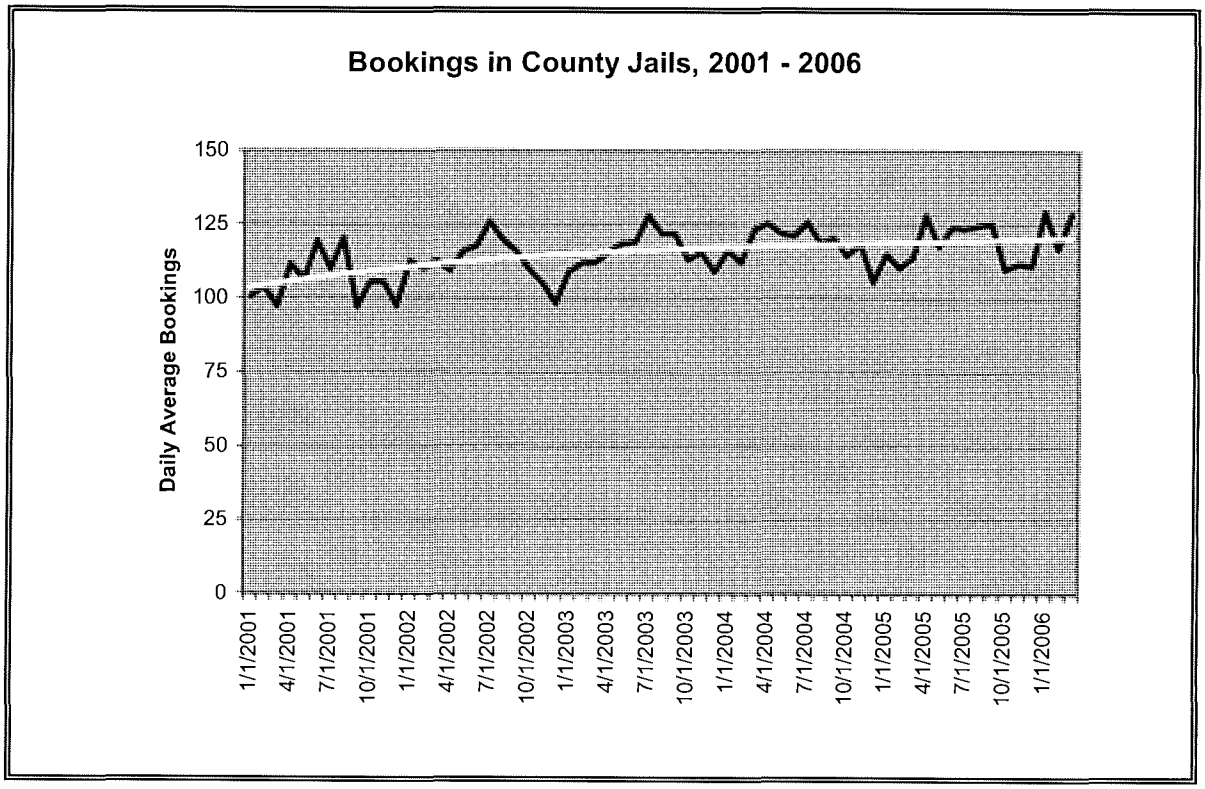


The percentage of pretrial inmates (those who are detained pending trial) in county jails has increased from 54% to nearly 63% between 2001 and the first 3 months of 2006. This increase in the percentage of pretrial inmates is consistent with the national trend. On June 30, 2005, 62% of the nation's jail inmates were pending trial. The following chart depicts the average daily population by case status trends from 2001 through March 2006. Please note that the ADP level does not match the previous charts because the case status statistics also include inmates who are boarded out to other county jails.



STATEWIDE BOOKINGS

Compared to 2005, bookings have increased nearly 5% thus far in 2006 with approximately 123 inmates being booked into county jails each day. There has been a 21% increase in bookings between 2001 and 2006. If the booking trends continue, 2006 will be the highest booking year between 2001 and 2006. Similar to the increase in the percentage of females in the jail population, an increasing proportion of females are being booked into county jails. In 2001, 16% of arrestees were women. Thus far in 2006, nearly 21% of arrestees are women. The following chart shows the bookings trend between 2001 and 2006.



THREE COUNTY POPULATION PROFILE

Data for this analysis was provided by the Aroostook, Penobscot, and York County jails. The data included information for every inmate booked into the respective jails for at least 2003 through 2006. The quantity and quality of data varied, as did the time frame for which the data covered. Aroostook and Penobscot County were able to report data from 2001 to the present. Due to computer system changes, York County was able to report data beginning in 2003. The information that follows is based on an analysis of the combined inmate population data from all three counties.

Age

The age of the inmates at the time of booking for Penobscot and York Counties was combined and tallied in the table below. It was not possible to determine the age of inmates at booking for Aroostook County.

Age	Total	Percent
18-24	8,455	35.6%
25-34	7,289	27.6%
35-44	5,949	22.2%
45-54	2,722	10.9%
55-64	671	2.8%
65+	189	0.8%
Less Than 18	11	0.0%
Total	25,279	100%

Gender

Nearly 19% of the inmates in the analysis were female. Across the nation females typically account for approximately 12% to 20% of the bookings, if not the incarcerated population. The table below provides the totals and percentages for each jail.

	Female	Male	Total	Female	Male
Aroostook County	704	3,673	4,377	16.1%	83.9%
Penobscot County	2,639	9,843	12,483	21.1%	78.8%
York County	2,247	10,548	12,796	17.6%	82.4%
Total	5,590	24,064	29,656	18.8%	81.1%

Race

The racial breakdown of the inmates booked into the jails during the specified timeframes can be found in the following table.

Race	Number	Percent
Asian	174	0.6%
Black	832	2.8%
Indian	479	1.6%
Unknown/Other	506	1.7%
White	27,665	93.3%
Total	29,656	100.0%

Education

The educational achievement of Penobscot and York County inmates, as measured by the self-reported number of completed years in school, was combined. The table below provides the tally.

Education	Total	Percent
Less Than HS	1,457	5.8%
Some HS	4,890	19.3%
HS Graduate	12,804	50.6%
Some College	4,033	16.0%
College Graduate	1,013	4.0%
Post College Graduate	458	1.8%
Unknown	624	2.5%
Total	25,279	100.00%

Charges

The charges for all three counties in the analysis were combined. The table below provides the basic breakdown of the offenses involved.

Charges	Total	Percent
Alcohol	956	0.9%
Assault	8,903	8.4%
Domestic Violence	628	0.6%
Drugs	4,080	3.8%
Failure to Appear	4,127	3.9%
Failure to Pay Fine	3,699	3.5%
Murder/Manslaughter	78	0.1%
Other	9,014	8.5%
OUI	10,573	10.0%
Property Crimes	10,331	9.7%
Public Order Offenses	10,023	9.4%
Robbery	369	0.3%
Sexual Offenses	675	0.6%
Traffic	11,488	10.8%
Violation of Conditional Release	9,833	9.3%
Violation of Probation	9,777	9.2%
Violation of Protective Order	1,366	1.3%
Warrants (FTA, VOP, FTPF)	9,673	9.1%
Weapons	547	0.5%
Total	106,140	100.0%

Note that the charges were grouped according to some fairly broad areas of crime/violation type. The 'murder/manslaughter' category also includes attempted murder and attempted manslaughter. The 'Other' category is a catch-all for the hundreds of charges that had fairly small numbers individually. Property crimes were defined as any charge involving burglary, trespassing, theft, fraud, etc. Public order offenses were defined as charges such as harassment, disturbances, terrorizing, disorderly conduct, obstructing justice, etc. Sexual offenses include prostitution, any charge involving sexual contact, and failure to register offenses. The traffic category includes standard traffic offenses including operating after suspension offenses. A very important note needs to be made regarding the 'Warrants' category. Penobscot County has historically combined probation violations, failures to appear, and failures to pay fines in one code within their database. Recently, however, probation violations have been broken out separately by a specific offense code. For this reason, the 'Warrants' category in the table above is the largest single category and there is a fairly sizeable number of probation violators as well. If all the different criminal process violation charges were combined, over one-third of all the charges for the inmate population study would fall in such a category. The table below provides this combination.

Charges	Total	Percent
Substance Abuse Offenses	5,036	4.7%
Violent Crimes	9,978	9.4%
Criminal Process Offenses	38,475	36.2%
Property Offenses	10,331	9.7%
Public Order Offenses	10,023	9.4%
Traffic	11,488	10.8%
OUI	10,573	10.0%
Other	9,014	8.5%
Sexual Offenses	675	0.6%
Weapons	547	0.5%
Total	106,140	100.0%

Release Reason

The type of release for the Penobscot and York inmates in this analysis was analyzed and the results are provided in the table below.

Release Type	Total	Percent
Bail	9,160	36.2%
Court Release	1,993	7.9%
Dismissed	272	1.1%
Fine Paid	383	1.5%
Other Agency	3,342	13.2%
Other/Unknown	435	1.7%
Own Recognizance	3,058	12.1%
Probation Hold Lifted	494	2.0%
Time Served	5,987	23.7%
Volunteers of America	155	0.6%
Total	25,279	100.0%

Average Length of Stay

The average length of stay of inmates was calculated by averaging the length of incarceration for all defendants booked into the jails. Some inmates who were booked into the facility and were not released at the time the data was provided were excluded from the analysis. In addition, for defendants who were booked and released on the same calendar day, the length of stay was counted as one day. The overall average length of stay is 16.4 days. The average length of stay varied significantly between Counties as follows: Penobscot 11.3 days, York 18.5 days, and Aroostook 20 days.

MAINE JUDICIAL BRANCH

The mission of Maine's Judicial Branch is to administer justice by providing a safe, accessible, efficient, and impartial system of dispute resolution that serves the public interest, protects individual rights, and instills respect for the law. Maine's Judicial Branch is composed of three principal entities, the Supreme Judicial Court, trial courts (District and Superior) and the Administrative Office of the Courts (A.O.C). In addition, the Judicial Branch oversees Maine's Problem Solving Courts including Drug Treatment Courts, Domestic Violence Case Coordination Projects, and the Co-occurring Disorders Court.

The Supreme Judicial Court maintains general administrative and supervisory authority of Maine's Judicial Branch. The head of the Supreme Judicial Court is the Chief Justice, who designates a Superior Court Chief Justice and District Court Chief Judge to oversee the day-to-day administrative operations of those courts, and also appoints the State Court Administrator, who runs the Administrative Office of the Courts.

In the recent past, the Judicial Branch has made a concerted effort to increase efficiency in case processing in order to improve the overall performance of the state's criminal justice system. In 2002 a Judicial Resource Team (JRT) was created to address areas for improvement in the state's system. As a part of the JRT's work, five main areas of focus were defined. These five areas pertain to system integration, regionalization, implementation of objective measures (including comparison with national standards), and attainment of "event certainty" (achieving event scheduling goals).

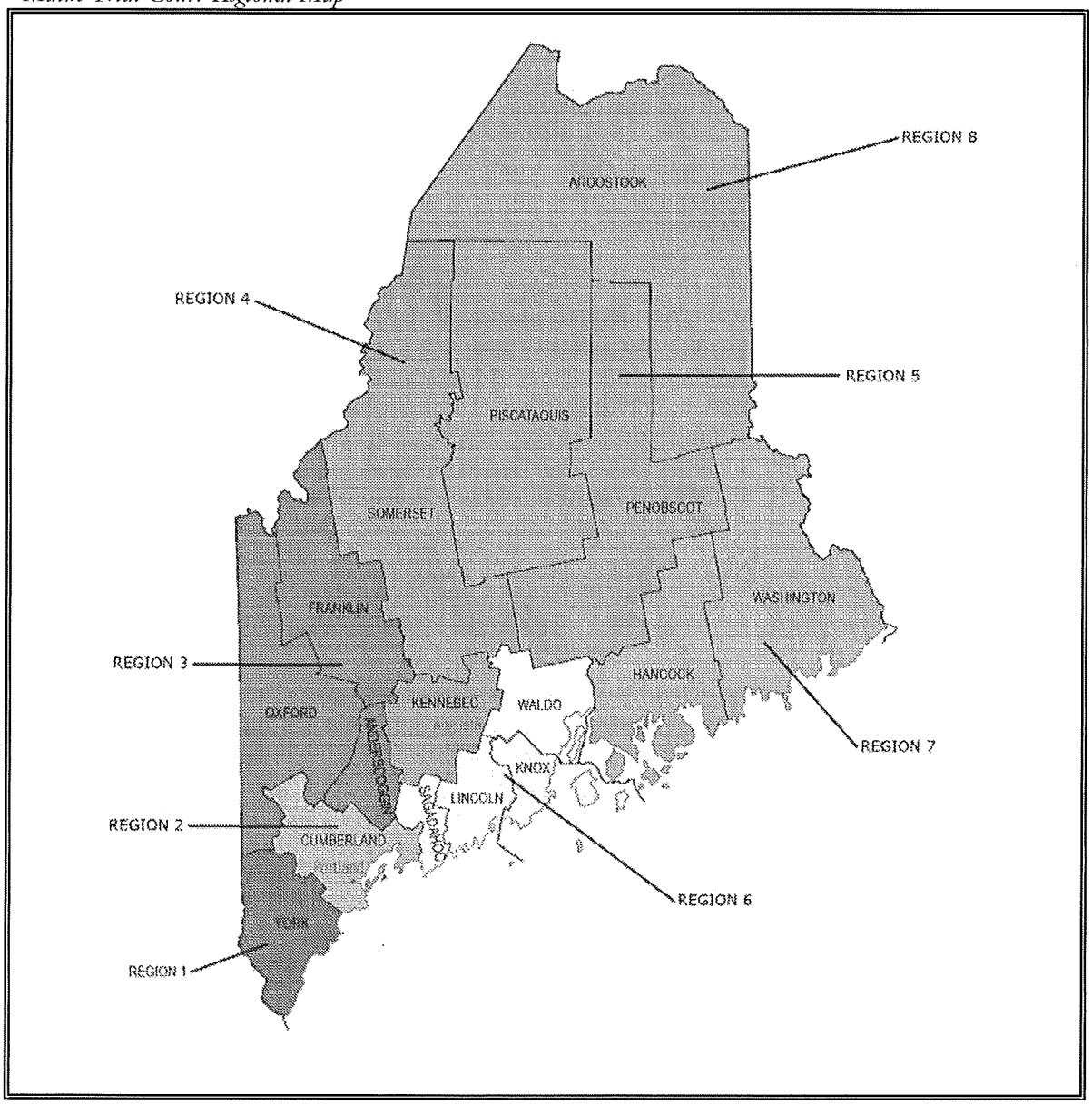
In response to the above, Maine's court system has been structured within eight different regions designed to maximize resources and improve scheduling *(see "Maine Trial Court Regional Map" on the following page).* It should be noted that the court regions mirror the prosecutorial districts to be discussed later.

TRIAL COURTS

Maine's trial courts are composed of the District and Superior Courts. The District and Superior Courts are overseen by the District Court Chief Judge and Superior Court Chief Justice respectively, both of whom are appointed by the Supreme Court Chief Justice.

As a result of recommendations of the Judicial Resource Team, efforts have been made to foster the sharing of resources and responsibilities between the two trial courts. This is evidenced in the recent consolidation of District and Superior court offices in many locations throughout the state. Another illustration of sharing of resources is the ability of a District Court Judge to sit as a Superior Court Justice and vice versa as authorized in *Title 4, Chapter 3, §121. Justice or Active Retired Justice of the Superior Court assigned to sit in District Court* and *Title 4, Chapter 5, §157-C. Judge or Active Retired Judge of the District Court to sit in Superior Court.*

Maine Trial Court Regional Map



District Court

The District Court hears both civil and misdemeanor criminal cases (class D and E crimes) and sits without a jury. The Court is composed of 33 Judges holding court at 29 locations throughout Maine. With the assistance of eight Family Law Magistrates, the District Court hears all divorce and family matters through its Family Division. In addition, the District Court hears child protection cases and serves as the state's juvenile court. Traffic violations are processed through the Violations Bureau which is also part of the District Court system. The table below shows total case filings for the District Court from 2002 – 2005.

2002-2005 Annual Case Filings

Court	2002	2003	2004	2005
District Court	134,221	129,606	129,071	127,420
Violations Bureau - Traffic Infractions	131,938	135,407	138,673	137,352

The Maine Judicial Branch generates a Quarterly Report on Trial Court Efficiency which is shared with all Maine Courts on a quarterly basis. This report is relatively new yet it provides informative statistics related to court case processing. The information presented related to court case processing was taken from this report and it must be noted that it remains a work in progress and some of the data may have a degree of error. According to the report there were 9,448 criminal cases pending in the District Courts as of June 30, 2006. During the first half of 2006 there were 27,655 criminal case filings and 28,879 criminal case dispositions for a clearance rate of 104.4%. For the period July 1, 2005 through June 30, 2006 the Court disposed of 12,379 criminal cases with the average age of the case ranging by court from 57 to 282 days.

The primary responsibilities of the District Court related to pretrial case processing include the following: oversee Bail Commissioners and Justices of the Peace, determine probable cause upon a warrantless arrest, conduct initial appearances and arraignments for defendants charged with misdemeanor criminal offenses, assign court appointed attorneys, and adjudicate cases. Detailed descriptions of these responsibilities are provided below.

Bail Commissioners

The function of a Bail Commissioner is to set preconviction bail for defendants in criminal proceedings. Bail Commissioners are authorized under *Title 15, Chapter 105-A, §1023* and are appointed by the Chief Judge of the District Court. Eligibility requirements for Bail Commissioners consist of completing a bail training program within one year following their appointment and being a resident of Maine. As of August 2006 there are 140 people currently appointed to serve as Bail Commissioners in the state. The current Bail Commissioner training is provided by the District Court and consists of an eight (8) hour training curriculum.

Bail Commissioners are authorized to set preconviction bail for all defendants except in cases where a defendant is charged with murder, cases in which the attorney for the state requests a *Harnish bail proceeding* or, in cases where a defendant is in jail or under arrest by a court order for which bail has not been authorized. Guidance regarding bail setting is provided in *Title 15, Chapter 105-A, §1026. Standards for release for crime bailable as of right preconviction.*

Purpose of Bail

Bail is a critical part of pretrial case processing primarily because the bail decision determines whether a pretrial defendant is released or detained pending trial, and if released, under what terms and conditions. According to *Title 15, Chapter 105-A, §1002,* the purpose of bail is to "reasonably ensure the appearance of the defendant as required, to otherwise reasonably ensure the integrity of the judicial process and, when applicable, to reasonably ensure the safety of others in the community." Community safety is specified as a bail consideration in the purpose statement for bail, however, community safety is absent throughout the remainder of the Maine Bail Code as it relates to standards for release for crimes bailable as of right preconviction. Community safety is not specified as a consideration when deciding preconviction bail, ordering release on personal recognizance or unsecured bail, and setting conditions of release. Arguably, it is unclear whether or not community safety should be considered by a judicial officer while setting preconviction bail. Discussions with Judges and Bail Commissioners (as well as District Attorneys and Defense Attorneys) revealed varying interpretations; some judicial officers reported also considering community safety when determining preconviction bail while others reported only considering reasonably ensuring court appearance and the integrity of the judicial process.

In addition, *Title 15, Chapter 105-A, §1002* states that it is also the purpose and intent [of the Maine Bail Code] that the judicial officer consider, relative to crimes bailable as of right preconviction, **the least restrictive release alternative** that will reasonably ensure the attendance of the defendant as required, or otherwise reasonably ensure the integrity of the judicial process.

Types of Bonds and Conditions of Release

Guidance regarding admission to bail can be found in *Title 15, Chapter 105-A, §1026. Standards for release for crime bailable as of right preconviction.* A defendant can be released on a personal recognizance bond (also known as a signature bond), an unsecured appearance bond, or a bail bond with cash or surety. In addition, conditions of release may be set that will reasonably ensure the appearance of the defendant and ensure the integrity of the judicial process. Potential release conditions are outlined in detail in *§1026.3.A 1-18* and include requirements and restrictions related to pretrial supervision, employment, educational program, residence, travel and personal associations, contact with the victim, curfew, firearm or other dangerous weapon, use or excessive use of alcohol and use of drugs, treatment, and others.

There is a standardized Conditions of Release form CR-001, Rev. 06/06 that is used to document the type and conditions of release. The form lists the types of bail and the required conditions relating to court appearance, no criminal activity or violation of any protection from abuse orders, court notification of change in address or phone number, and a waiver of extradition. In addition, additional conditions are pre-printed on the form as listed below.

I will -

1. not possess or use any alcoholic beverages or illegal drugs and I will submit to chemical tests and searches of my person, vehicle and residence at any time and without probable cause to determine if I have violated this prohibition.

2. have no direct or indirect contract with (name, address, DOB) except as necessary for …

3. not possess any dangerous weapons including but not limited to firearms and I will submit to searches of my person, vehicle and residence at any time and without probable cause.

4. Defendant cannot be released unless a supervised bail contract is executed and defendant must abide by the conditions of the contract.

5. [a space for hand-written customized condition(s)]

6. As a condition of my release, I shall comply with any condition(s) set forth on the Conditions of Release form.

It should be noted that the additional condition of release number one varies in wording and meaning when compared to the bail code. The code specifies "refrain from use or excessive use of alcohol and from any drugs" while the Conditions of Release form also includes 'possession' of alcohol or drugs and submission "to chemical tests and searches of my person, vehicle and residence at any time and without probable cause to determine if I have violated this prohibition." In addition, submission "to searches of my person, vehicle and residence as any time and without probable cause" is found in additional release condition number three, yet this language is absent in the Maine Bail Code.

Factors to be Considered in Release Decision

Information to be considered by a judicial officer when setting bail is detailed in *§1026.4 Factors to be considered in release decision* and is provided below.

In setting bail, the judicial officer (Judge, Justice, or Bail Commissioner) shall, on the basis of an interview with the defendant, information provided by the defendant's attorney and information provided by the attorney for the State or an informed law enforcement officer if the attorney for the State is not available and other reliable information that can be obtained, take into account the available information concerning the following:

A. The nature and circumstances of the crime charged;

B. The nature of the evidence against the defendant; and

C. The history and characteristics of the defendant, including, but not limited to:

(1) The defendant's character and physical and mental condition;

(2) The defendant's family ties in the State;

(3) The defendant's employment history in the State;

(4) The defendant's financial resources;

(5) The defendant's length of residence in the community and the defendant's community ties;

(6) The defendant's past conduct, including any history relating to drug or alcohol abuse;

(7) The defendant's criminal history, if any;

(8) The defendant's record concerning appearances at court proceedings;

(9) Whether, at the time of the current offense or arrest, the defendant was on probation, parole or other release pending trial, sentencing, appeal or completion of a sentence for an offense in this jurisdiction or another;

(10) Any evidence that the defendant has obstructed or attempted to obstruct justice by threatening, injuring or intimidating a victim or a prospective witness, juror, attorney for the State, Judge, Justice or other officer of the court; and

(11) Whether the defendant has previously violated conditions of release, probation or other court orders, including, but not limited to, violating protection from abuse orders pursuant to Title 19, section 769 or Title 19-A, section 4011.

Procedures for Setting and Executing Bail

When a defendant eligible for bail is arrested, a Bail Commissioner is contacted by phone by either a law enforcement officer or Corrections Officer to set bail. The quantity and quality of information provided verbally over the phone to Bail Commissioners for bail consideration related to criminal history and criminal justice matters varies significantly between law enforcement agencies and jails. A few jails and law enforcement agencies report providing thorough criminal history records to Bail Commissioners including records from the State Bureau of Identification (SBI) maintained by the State Police; National Crime Information Center (NCIC) maintained by the FBI; and local law enforcement and/or jail software systems. However, a majority of law enforcement agencies and jails reported they are limited to locally specific records and are often times reporting the known criminal history for that county or the arrest/booking history for that jail only. Information related to a defendant's character and physical and mental condition; family ties in the State; employment history in the State; financial resources; length of residence in the community and community ties; and past conduct, including any history relating to drug or alcohol abuse, is infrequently provided. The information that is provided is generally based on unverified defendant self-reported information, the reporting officer's institutional knowledge of the defendant, or prior jail booking records. No Bail Commissioners reported interviewing the defendant to obtain information while setting bail by phone. Bail setting practices vary significantly among Bail Commissioners, and in some cases, among Counties.

Once a Bail Commissioner has set bail the defendant must secure the bail and fee. When this has occurred the Bail Commissioner is contacted again by phone, informed that the defendant is prepared to post bail, and is requested to appear at the jail, police department, or other location, to execute the bail. Bail Commissioners complete the required paperwork, receive on behalf of the court any cash posted by the defendant, and collect their fee (see *Bail Commissioner Compensation* below). Bail Commissioners are required to deposit the bail with the Court Clerk within 3 business days.

Bail Commissioner Compensation

Bail Commissioners are paid a fee by pretrial defendants, or in some cases the County jail, for the execution of bail bonds. Bail Commissioners are entitled to receive a fee of up to $40.00 for their services, specifically, the execution of a bail bond. It should be noted that Bail Commissioners are not compensated for setting bail as described above. A fee is paid only if the defendant is able to secure the bail set by the Commissioner. In addition, per *Title 15, Chapter 105-A, §1023.5*, the Sheriff of the county where the defendant is detained is authorized to create a fund for payment, in whole or in part, of the Commissioner's fee for those defendants who do not have the ability to pay

the fee. Two counties, Kennebec and Somerset, have funds to compensate Bail Commissioners for their services when appropriate.

Title 15, Chapter 99, §608 authorizes the Chief Judge of the District Court to adopt procedures requiring a Bail Commissioner to appear and set bail regardless of whether a defendant is indigent. Bail Commissioners are instructed during training that they must execute a bail without fee if the defendant is unable to secure the fee. Practices vary from county jail to county jail regarding how long a defendant will be held in custody due to their inability to pay the fee before a Bail Commissioner is contacted to execute the bail without compensation. The amount of time Corrections Officers reported waiting for a defendant to secure the fee before contacting a Bail Commissioner varied from 1 to 48 hours. Only one jail, Piscataquis County, reported that they do not contact a Bail Commissioner to execute the bail in the reportedly rare case that a defendant does not have the fee and instead holds a defendant until their initial appearance before a Judge or Justice.

Justices of the Peace

Justices of the Peace also fall under the auspices of the Chief Judge of the District Court. The Chief Judge of the District Court can authorize any attorney-at-law licensed to practice law in the state of Maine to be a Justice of the Peace. A clerk or deputy clerk of the court may also be appointed to issue process for defendants charged with offenses, granted that the Chief Judge of the District Court is satisfied that they have the necessary training and knowledge to perform that function. When acting in this capacity the clerk or deputy clerk is considered a Justice of the Peace and serves at the pleasure of the Chief Judge.

The function of a Justice of the Peace is to receive complaints, to issue arrest warrants for defendants charged with crimes, to issue search warrants, and to endorse commitment of mentally ill persons. As authorized in the *Maine Rules of Criminal Procedure – Rule 4A. Justices of the Peace* may also conduct a probable cause determination. Justices of the Peace, also known as "Complaint Justices," are utilized in most Counties to conduct a probable cause determination when a defendant in custody will not be having their initial proceedings in Court within 48 hours of arrest (see *Probable Cause Determination Upon a Warrantless Arrest* below).

Probable Cause Determination Upon a Warrantless Arrest

Rule 4A of the Maine Rules of Criminal Procedure - Probable Cause Determination Upon Warrantless Arrest For Any Crime - requires a determination of probable cause (PC) be made by a District Court Judge, Superior Court Justice, or Justice of the Peace for any defendant arrested without a warrant for any crime if not released from custody within 48 hours after arrest, including Saturdays, Sundays and legal holidays. Except in a bona fide emergency or other extraordinary circumstance, a Superior Court Justice, District Court Judge or Justice of the Peace shall determine, within that time period, whether there is probable cause to believe that a crime has been committed and that the arrested defendant has committed it. If the evidence does not establish probable cause, the arrested defendant must be released. If a probable cause determination has not taken place within 36 hours after the arrest, the custodian must notify the attorney for the state of the upcoming deadline.

Information about policies related to having a finding of probable cause determination within 48 hours of a warrantless arrest was received from Corrections Officer staff in jails primarily because they are required to track this rule. Compliance with this rule includes ensuring that a defendant appears before a Judge of Justice within 48 hours, a PC Affidavit is received, or the defendant is released from custody. All jails reported having a system in place to track this rule with varying levels of effort to contact either the arresting law enforcement agency or the District Attorney's Office of the upcoming deadline for probable cause. All jails with the exception of Androscoggin County

reported releasing the defendant as per the rule if probable cause has not been determined within the time specified.

Initial Proceedings/Arraignment

Defendants arrested or summonsed for Class D or E Crimes (misdemeanor crimes) are scheduled for their initial court appearance in the District Court. The initial proceeding is regulated by *Maine Rules of Criminal Procedure - Rule 5. Initial Proceedings In The District Court For Persons Arrested or Summonsed For Class D or For Class E Crimes.* Defendants who are not released sooner, must be brought before a District Court Judge without unnecessary delay and in no event later than 48 hours after the arrest, excluding Saturdays, Sundays, legal holidays, and court holidays. Initial appearances may be conducted by audiovisual device in the discretion of the Court. There are currently two counties, Kennebec and Aroostook, utilizing audiovisual equipment to conduct "video arraignments". When a Judge is not sitting in the District Court a defendant must either be brought before the Superior Court Justice (who will sit as a District Court Judge) if available or be transported to the nearest Court with an available Judge/Justice.

At the initial proceedings, the District Court Judge, in open court, unless waived by the defendant or the defendant's counsel, will complete the following:

(1) inform the defendant of the substance of the charges against him/her;

(2) inform the defendant of their right to retain counsel, and to request the assignment of counsel, and that the defendant may be allowed a reasonable time and opportunity to consult counsel before entering a plea;

(3) inform the defendant that s/he is not required to make a statement and that any statement made by the defendant may be used against the defendant; and

(4) admit the defendant to bail as provided by law.

In most courts there is a Lawyer of the Day provided by the Court available at initial proceedings for a defendant to discuss their case, if they so desire, at no cost to the defendant (see *Defense Attorneys,* pg. 32).

A defendant charged with a misdemeanor offense is arraigned during the initial appearance. The arraignment consists of reading the information or complaint to the defendant or stating to the defendant the substance of the charge and calling on the defendant to provide a plea. If the plea is not guilty, the Court will address the issue of bail and set the case for trial.

The information available to the Judge for bail consideration is generally provided by the District Attorney and defense attorney (usually a Lawyer of the Day). The quantity and quality of information related to criminal history and criminal justice matters varies significantly within and between District Attorney's Offices. A few DA offices are able to provide criminal history records from a variety of sources including the District Attorney's Office for their respective district; Maine State Bureau of Identification (SBI) maintained by the State Police; National Crime Information Center (NCIC) maintained by the FBI; and town, city, county, or multi-jurisdictional locally maintained databases. Other DA Offices have limited or no access to SBI or NCIC records at the time of first appearance and must rely on locally specific criminal history. Information related to a defendant's character and physical and mental condition; family ties in the State; employment history in the State; financial resources; length of residence in the community and community ties; and past

conduct, including any history relating to drug or alcohol abuse is usually limited to unverified self-reported information provided to the defense attorney. Trials in District Court must be set at least 21 days following arraignment to allow for jury requests to be filed (see *Case Adjudication* below). District Courts reported scheduling trials between 4 and 12 weeks following arraignment and that the time was dependent upon the availability of judicial resources.

Assignment of Court Appointed Attorney

District Court Judges are responsible for the approval and assignment of court appointed counsel for cases assigned to their court. Some Courts are served by a financial screener who reviews and evaluates written requests for court appointed counsel and prepares recommendations to the presiding Judge as to the defendant's indigency (see *Administrative Office of the Courts – Financial Screener*, pg. 29). Ultimately it is the Judge's decision as to whether or not a defendant qualifies for a court appointed attorney and the actual appointment. The point at which the appointment is made varies from Court to Court. While a few Courts interview the defendant directly or receive assistance in collecting the necessary information and make a preliminary or permanent appointment of counsel at the initial appearance, most Courts have a process in place that allows for the defendant to complete a request some time after the initial appearance and the appointment occurs outside the presence of the defendant. In these cases, notification to the defendant and defense attorney is usually made by mail. The time required to complete the review and court appointed counsel process also varies from court to court and ranges from the same day of initial proceedings to up to several weeks thereafter.

Case Adjudication

Criminal cases are frequently settled without trial because many defendants negotiate with the prosecuting attorney in a process known as plea bargaining. A plea bargain is an agreement between the prosecutor and the defendant where, in return for a guilty or nolo plea to a certain charge or charges, the prosecutor will drop other charges or recommend a specific sentence to a Judge. If the Judge wishes to impose a greater sentence than recommended, the defendant may withdraw the guilty plea and go to trial. If a defendant chooses to have a trial they have the option of a jury or non-jury trial. Per *Maine Rules of Criminal Procedure - Rule 22. Transfer For Jury Trial on a Charge of a Class D or Class E Crime*, a defendant may demand a trial by jury. If a defendant demands a jury trial within 21 days of arraignment the District Court must transfer the case to the appropriate Superior Court. This process is referred to as a Jury Trial Request (JTR) and results in the case being transferred for adjudication from the District to the Superior Court. If a JTR is not filed in accordance with Rule 22, the case remains in the District Court for adjudication.

Superior Court

The Superior Court hears both civil and criminal cases and is the only court where civil and criminal jury trials are held. The Superior Court is composed of 16 Justices serving 17 locations throughout Maine (one Court in each of the 16 counties except for Aroostook, which holds two). The Superior Court handles jury and jury-waived trials in adult criminal cases, including murder and class A, B, C, D, and E offenses. The table below shows the total case filings for the Superior Court from 2002 – 2005.

2002-2005 Annual Case Filings

Court	2002	2003	2004	2005
Superior Court	12,729	15,586	15,381	16,065

As noted previously, the Maine Judicial Branch generates a Quarterly Report on Trial Court Efficiency which is shared with all Maine Courts on a quarterly basis. This report is relatively new yet it provides informative statistics related to court case processing. The information presented related to court case processing was taken from this report and it must be noted that it remains a work in progress and some of the data may have a degree of error. The report indicates that as of June 30, 2006, there were 6,083 criminal cases pending in the Superior Courts. During the first half of 2006 there were 7,766 criminal case filings and 7,050 criminal case dispositions for a clearance rate of 90.8%. For the period July 1, 2005 through June 30, 2006 the Court disposed of 12,379 criminal cases with the average age of the case by court ranging from 88 to 245 days.

The primary responsibilities of the Superior Court related to pretrial case processing include the following: conduct initial appearances for defendants charged with felony criminal offenses, assign court appointed attorneys, oversee the indictment process by the Grand Jury, conduct arraignments, and adjudicate cases. Detailed descriptions of these responsibilities are provided below.

Initial Appearance

A defendant arrested for at least one Class C or higher crime (accompanied or unaccompanied by related Class D or Class E crimes) will be scheduled for their initial appearance in the Superior Court. Unlike defendants charged with a misdemeanor in District Court, defendants charged with a felony are not arraigned during the initial appearance (see *Arraignment,* pg. 27). The initial proceeding is regulated by *Maine Rules of Criminal Procedure - Rule 5C. Initial Proceedings In The Superior Court.* Defendants who have been arrested and are not released sooner, must be brought before a Superior Court Justice without unnecessary delay and in no event later than 48 hours after the arrest, excluding Saturdays, Sundays, legal holidays, and court holidays. Such appearance may be by audiovisual device in the discretion of the court. There are currently two counties, Kennebec and Aroostook, which utilize an audiovisual device to conduct initial appearances. When a Justice is not sitting in the Superior Court a defendant must either be brought before a District Court Judge sitting as a Superior Court Justice if available or transported to the nearest Court with an available Judge or Justice.

The Superior Court Justice at the initial proceedings, in open court (unless waived by the defendant or the defendant's counsel), will complete the following:

(1) inform the defendant of the substance of the charges against him/her;

(2) inform the defendant of their right to retain counsel, and to request the assignment of counsel, and that the defendant may be allowed a reasonable time and opportunity to consult counsel before entering a plea;

(3) inform the defendant that s/he is not required to make a statement and that any statement made by the defendant may be used against him/her; and

(4) admit the defendant to bail as provided by law; and

(5) inform the defendant of the duty placed upon the defendant by 14 M.R.S.A. § 3141(3) of immediate payment in full of any fine that ultimately may be imposed by the court if convicted of the charges against the defendant.

In most courts there is a Lawyer of the Day provided by the Court available at initial proceedings for a defendant to discuss their case if they so desire at no cost to the defendant (see *Defense Attorneys,* pg. 32).

The Court will address the issue of bail and set the case for a status date far enough into the future to allow for the case to be presented by the prosecutor to the Grand Jury for indictment.

As it relates to bail setting, the information available to the Justice for bail consideration is generally provided by the District Attorney and defense attorney. The quantity of information related to criminal history and criminal justice matters varies significantly within and between District Attorney's Offices. As stated previously, a few DA offices are able to provide thorough criminal history records including local, state, and national records while others are limited primarily to locally specific criminal history. Information related to a defendant's character and physical and mental condition; family ties in the State; employment history in the State; financial resources; length of residence in the community and community ties; and past conduct, including any history relating to drug or alcohol abuse is usually limited to unverified self-reported information provided by the defense attorney.

Assignment of Court Appointed Attorney

Superior Court Justices are responsible for the approval and assignment of court appointed counsel for cases assigned to their court. Some Courts are served by a financial screener who reviews and evaluates written requests for court appointed counsel and prepares recommendations to the presiding Judge as to the defendant's indigency (see *Administrative Office of the Courts – Financial Screener,* pg. 29). Ultimately it is the Justice's decision whether or not a defendant qualifies for a court appointed attorney and the actual appointment. When the appointment is made varies from Court to Court. While a few Courts interview the defendant directly or receive assistance in collecting the necessary information and make a preliminary or permanent appointment of counsel at the initial appearance, most Courts have a process in place that allows for the defendant to complete a request some time after the initial appearance and the appointment occurs outside the presence of the defendant. In these cases, notification to the defendant and defense attorney is usually made by mail. The time required to complete the review and court appointed counsel process also varies from the same day of initial proceedings to up to several weeks.

Indictment Process (Grand Jury)

The Superior Court oversees the indictment process of the grand jury (see *Grand Jury,* pg. 32). *Title 4, Chapter 3, §110. Trial terms* states that *"The Chief Justice of the Superior Court shall… specify when the grand jury shall be summoned" and that "A grand jury may be specially summoned at any time by order of a Justice of the Superior Court."* All felony charges must be prosecuted using an indictment issued by the Grand Jury, unless the defendant waives the indictment. The prosecutor presents the case to the Grand Jury and if the evidence appears sufficient, the grand jury will return an indictment, a formal charge of a crime. If the defendant waives the indictment, the prosecuting attorney files an "information" setting forth the charges. Following indictment or information in the Superior Court an arraignment is held.

Arraignment

An arraignment in Superior Court consists of reading the indictment, information or complaint to the defendant or stating to the defendant the substance of the charge and calling on the defendant to provide a plea. If the plea is not guilty, the case is scheduled for trial. Superior Courts reported scheduling trials between one and nine months following arraignment and that the time was dependent upon the availability of judicial resources. In addition, a few Superior Courts reported

that trial dates are not set at arraignment and instead status dates are given to all defendants that are six months following the arraignment. In these cases defendants are told that this is not actually their next court date and that they will be contacted by the Court or their attorney when their case will be heard.

Case Adjudication

Criminal cases are frequently settled without trial because many defendants negotiate a plea bargain with the prosecuting attorney. If a defendant chooses to have a trial they have the option of a jury or non-jury trial.

PROBLEM SOLVING COURTS

Problem solving courts deploy a comprehensive, collaborative, multi-disciplinary approach to addressing the needs of defendants/offenders appearing before the courts. There are currently three different types of problem solving courts in use in various counties throughout the state; Drug Treatment Courts, Domestic Violence Case Coordination Projects, and Co-occurring Disorders Court.

Drug Treatment Courts

There are three models of Drug Treatment Courts available within the Maine Judicial Branch; Adult, Juvenile, and Family. Only Adult Drug Treatment Courts apply to adult criminal pretrial case processing. Drug Treatment Courts have been established to manage cases for defendants/offenders with substance abuse related problems.

Adult Drug Treatment Courts employ the services of members of the criminal justice community including Judges/Justices, prosecutors, defense attorneys, probation officers, pretrial services, and members of law enforcement; as well as substance abuse treatment specialists, educational and vocational experts, mental health workers and other service providers. These members join forces in order to stop criminal activity related to the abuse of alcohol and drugs, and to rehabilitate defendants/offenders through judicially supervised substance abuse treatment and other appropriate rehabilitation services.

Adult Drug Treatment Courts are in operation in five of 16 counties (York, Cumberland, Androscoggin, Penobscot, and Washington) and serve the following courts: Machias & Calais District Court, Penobscot County Superior Court, York County Superior Court, Androscoggin County Superior Court, and Cumberland Superior Court. In 2005 there were 243 referrals, 83 admissions into the program, 87 graduations (successful completions), and 31 terminations (unsuccessful completions). As of June 30, 2006, there were 112 people participating in the Adult Drug Treatment Court programs. The most recent statistics from June and July 2006 reveal the average time between referral (some time post-arrest) and admission into the program was 83 days. Reportedly this number has decreased but remains higher than the current target of 45 days.

Domestic Violence Case Coordination Projects

The Domestic Violence Case Coordination Project was established by the District Court in 2002. There are currently five programs operating in District Courts in four counties around the state (Cumberland, Kennebec, Somerset, and York). During 2005, 512 defendants were subject to judicial monitoring and 2,110 review hearings were conducted.

Two main goals of the project are improvement of information management systems pertaining to domestic violence cases and enhancing defendants' accountability for their actions. In an effort to meet these goals the project employs judicial monitoring to ensure compliance with court orders such as attendance at certified batterer intervention programs and substance abuse programs, as well as the establishment of a technical interface which allows for better communications with law enforcement as to a defendant's bail conditions.

Co-occurring Disorders Court

In June of 2005, the Superior Court of Kennebec County established the state's first Co-occurring Disorders Court. This pilot program seeks to serve those defendants/offenders diagnosed with both mental illness and substance abuse issues. The court has adopted a case-by-case approach to admissions, accepting individuals with both misdemeanor and felony charges. This problem solving court involves a partnership between the Kennebec County Superior Court, Kennebec County DA's Office, Crisis and Counseling Services, and MPS. During the first year of operation there were 90 referrals to the program. As of June 30, 2006, there were 18 people participating in the program. Due to the newness of the program there were not any completions as of June 30, 2006.

ADMINISTRATIVE OFFICE OF THE COURTS

The Administrative Office of the Courts (A.O.C.) administers all of Maine's state courts. The A.O.C. provides support services to the court system including fiscal and personnel services, technology, planning, facilities management, grant oversight, legislative liaison, public information, library administration, statistical reporting, training and education. The A.O.C. is overseen by the State Court Administrator, a position appointed by the Chief Justice of the Supreme Judicial Court. The A.O.C. is responsible for compiling annual reports for the Maine Judicial Branch as well as providing financial screening services to select courts.

Financial Screener

Financial Screeners report to the Director of Court Services and Programs of the A.O.C. Financial Screeners' responsibilities include:

- Review and evaluate written requests for court appointed counsel;
- Interview defendants in jails and court locations to determine completeness and accuracy of written requests;
- Prepare recommendations to the presiding Judge or Justice as to the defendant's indigency;
- When appropriate, monitor payments to reimburse court-appointed counsel fees;
- Facilitate the court-appointed counsel fee reimbursement process with payment plans, notices requesting payment or court hearings for non-payment;
- Coordinate closely with Clerks' offices concerning the scheduling of screenings, the status of pending requests and reimbursement efforts.

There are seven screener positions that serve 12 of the 29 District Courts and 8 of the 17 Superior Courts including all of the courts in the following counties: York, Cumberland, Kennebec, Androscoggin, Franklin, Lincoln, Sagadahoc, and Knox. The remaining courts rely on the Court Clerks and Judges/Justices to screen for court appointed counsel eligibility.

OFFICE OF THE ATTORNEY GENERAL

The mission of the Office of the Attorney General is to use the law to protect and serve the people of Maine. The Attorney General is assisted by a Chief Deputy Attorney General and a Chief Operating Officer who aid the Attorney General in the management of the office.

The Office is composed of 13 divisions, including the Criminal Division, each supervised by a chief attorney or other professional. As it relates to pretrial case processing, the responsibilities of the Office include investigating and prosecuting homicides and other crimes and consulting with and advising the District Attorneys.

DISTRICT ATTORNEY'S OFFICE

The District Attorney is required to prosecute all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. District Attorneys are elected officials and are elected by the voters of their respective prosecutorial districts. Maine is composed of eight prosecutorial districts which represent the sixteen counties. As noted previously, the prosecutorial districts mirror the court districts.

Prosecutorial Districts and Counties Served

Prosecutorial District	Counties Served
District 1	York
District 2	Cumberland
District 3	Androscoggin, Franklin, Oxford
District 4	Kennebec, Somerset
District 5	Penobscot, Piscataquis
District 6	Knox, Lincoln, Sagadahoc, Waldo
District 7	Hancock, Washington
District 8	Aroostook

The District Attorneys represent the state by prosecuting criminal cases and are involved in nearly every stage of pretrial case processing. They make the charging decision based on the information provided by law enforcement and are involved in the initial appearance, arraignment, grand jury indictment process and trial. The District Attorneys, in their discretion, review cases and make plea bargain offers to resolve cases at various stages throughout case processing. A plea agreement offer can be made at any time but are often made at initial appearance (usually for minor misdemeanor cases), prior to presentation of the case to the Grand Jury (for felony cases), at arraignment, and prior to trial. Practices of reviewing cases and making plea agreement offers vary significantly within and between District Attorney's Offices.

Per Title 15, § 6101. Victim Involvement in Criminal Proceedings, whenever practicable, the attorney for the state shall make a good faith effort to inform the victims and families of victims of crimes of domestic violence and sexual assaults and crimes in which the victim and the victims family suffered serious physical trauma or serious financial loss of the following:

- The victim advocate and the victims' compensation fund;
- The victims right to be advised of the existence of a negotiated agreement before that agreement is submitted to the court;
- The time and place of the trial, if one is to be held;
- The victims right to make a statement or submit a written statement at the time of sentencing;
- The final disposition of the charges against that defendant.

VICTIM WITNESS ADVOCATE

The function of a Victim Witness Advocate (VWA) is to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected.

Victim Witness Advocates provide a variety of services including court advocacy in preparing witnesses for trial, status notification to assist in keeping victims/witnesses informed about the status of a case (i.e. court dates, etc.), providing counseling referrals, as well as victim death and defendant/offender release notification. VWAs also provide assistance in the preparation of victim impact statements; testimonial in reference to the impact a crime has had on the survivor and family. In addition, VWAs educate victims on compensation available through the Maine Victims' Compensation Program.

DEFERRED DISPOSITION PROGRAMS

Per *Title 17-A, Chapter 54-F, §138 Deferred Disposition*, a defendant who has plead guilty to a class C, D, or E crime, except a crime expressly providing that one or more punishment alternatives it authorizes may not be suspended, and who consents to a deferred disposition in writing, is eligible for a deferred disposition. Deferred disposition programs allow defendants to enter a guilty plea for eligible crimes, and to have sentencing and final disposition for that charge withheld for a period of time as designated by the Court. Prior to entering a guilty plea, alternative sentencing is agreed upon by all parties. Requirements are then imposed on the defendant which must include that the defendant refrain from all criminal conduct and may include requirements which the court deems necessary to assist the defendant in leading a law-abiding life. The court may also require that a defendant pay a monthly fee (not to exceed $50.00 per month) as an administrative supervision fee.

If, upon expiration of the deferment period, a defendant has proven (by a preponderance of the evidence) that they have complied with the requirements of the deferment, the previously agreed upon alternate sentence is imposed. Prior to sentence being imposed, the attorney for the state may request that the plea of guilty be withdrawn, at which time the charge is dismissed with prejudice. Alternately, if the state has shown (by a preponderance of the evidence) that the defendant has

inexcusably failed to comply with the deferment requirements, the court will impose a sentencing alternative authorized for the crime to which the defendant pled guilty.

Deferred Disposition Programs are the responsibility of the District Attorney and vary in usage and staffing between districts. During the period of July 30, 2004, to July 30, 2005, 389 defendants were granted deferred disposition. It should be noted that a number of DA Offices reported a significant increase in the use of Deferred Disposition; information that would need to be verified.

DEFENSE ATTORNEYS

Defense attorneys are responsible for representing defendants in legal disputes. Defense attorneys provide legal counsel as well as serving as guides to assist defendants in navigating through the criminal justice system. Defense attorneys can be hired by a defendant, or if the defendant is indigent, can be appointed by the Court. Although Maine does not utilize a "Public Defenders Office" per se, defendants may be eligible for a court appointed private practice defense attorney if they lack the financial ability to hire a defense attorney on their own behalf. It should be noted that Maine has a unique program referred to as the Lawyer of the Day. In most courts there is a Lawyer of the Day who is provided by the Court at no cost and is available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. Two Counties, Franklin and Piscataquis do not have a LOD present for all initial proceedings/arraignments. Franklin County currently only has one private practice attorney willing to serve as the Lawyer of the Day and as a result, the LOD is not present for in-custody initial appearances/arraignments but is available for most non-custody initial appearances/arraignments. Due to a lack of participating LODs, Piscataquis County is not always able to have a LOD present at initial proceedings/arraignments.

GRAND JURY

A Grand Jury is a group of citizens whose task is to review the prosecution's evidence and decide whether it is sufficient to justify a trial. A Grand Jury is assembled to hear evidence for cases pending trial in each Superior Court. The Maine Constitution provides for a defendant's right to a Grand Jury in section 7 of Article I, of the Declaration of Rights. This section states that "*No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury...*" The frequency of which a Grand Jury is summoned varies from County to County and ranges from monthly to semi-annually.

PRETRIAL SERVICES

There are currently two private nonprofit agencies which provide pretrial services in Maine. These agencies, which currently serve 12 of 16 counties, are Maine Pretrial Services, Inc. and the Northern New England chapter of the Volunteers of America (VOANNE). In 2005, 1,047 defendants were provided pretrial supervision. Just over one-third (34%) of all defendants under pretrial supervision were also under probation supervision by the Department of Corrections. Pretrial Services generally involves the provision of information to judicial officers to assist them in making the bail decision, as well as the monitoring and supervision of defendants released from custody while awaiting disposition of criminal charges.

Pretrial Services program practices vary significantly between providers and among the Counties. No pretrial program in Maine is funded at a level that allows for the provision of information to judicial officers to assist them in making the bail decision for more than a select number of defendants. Services provided by the program primarily relate to screening and supervision of pretrial defendants. The types and frequency of contacts, conditions of supervision, supervision fees, and other program requirements also vary from County to County.

MAINE PRETRIAL SERVICES

Maine Pretrial Services, Inc. (MPS) is a nonprofit corporation established in 1979. MPS is dedicated to providing the least restrictive bail alternative in the form of pretrial community supervision and post conviction diversion for those who either cannot post bail by themselves or with the aid of family, or who post bail but need additional supervision in the eyes of the court. MPS services the counties of Androscoggin, Aroostook, Cumberland, Kennebec, Knox, Oxford, Washington, and York and provided pretrial supervision to 839 defendants in 2005.

VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND

Volunteers of America Northern New England is a nonprofit corporation that provides a variety of justice services in Maine and New Hampshire. Founded in Maine in 1992, VOANNE currently provides pretrial and other criminal justice programming to the Counties of Penobscot, Lincoln, Waldo, and Sagadahoc. In 2005 VOANNE provided supervision to 208 pretrial defendants.

DEPARTMENT OF CORRECTIONS

The mission of the Department of Corrections (DOC) is to reduce the likelihood that juvenile and adult offenders will re-offend by providing practices, programs and services which are evidence based and which hold the offenders accountable. The DOC is responsible for administrative supervision, guidance, and planning of all correctional facilities and programs throughout the State. The head of the DOC is the Commissioner. The Commissioner is responsible for the appointment and delegates duties to associate commissioners, chief administrative officers and regional correctional administrators. The Adult Community Corrections division is the division of DOC that is involved in pretrial case processing.

PROBATION SERVICES

Probation Services falls within the DOC's Adult Community Corrections division and is divided into 4 regions (by county) with numerous sub-offices located throughout the state. Each region is overseen by a Regional Correctional Administrator appointed by the DOC Commissioner. There are 78 Probation Officers throughout the state.

Probation Regions, Officers and Counties Served

Probation Region	Probation Officers	Counties Served
Region 1	22	Cumberland, York
Region 2	13	Oxford, Androscoggin, Sagadahoc, Lincoln
Region 3	18	Somerset, Franklin, Kennebec, Knox
Region 4	18	Aroostook, Piscataquis, Penobscot, Washington, Hancock, Waldo

Maine was selected as an Evidence-Based Practice (EBP) pilot site by the National Institute of Corrections. Evidence Based Practices are correctional interventions that research has shown to be effective in reducing offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety. The three year pilot project began in February, 2004. The Department of Corrections mission statement includes EBP and the division of Community Corrections, particularly Probation Services, has focused on implementing evidence-based practices over the past few years.

Probation is thoroughly addressed in *Title 17-A, Chapter 49, §§ 1201 – 1208* and *Title 34-A, §5404*. An in-depth discussion of probation is outside the scope of this report but the reader is encouraged to review the above referenced code sections to learn more about probation. As it relates to pretrial case processing, Probation Officers have the responsibility of providing probation supervision, monitoring compliance with conditions of supervision, and filing violation of probations and requests for probation revocation proceedings with the Court. A Probation Officer has two primary options to initiate this process; 1 - arrest the defendant, or if the defendant cannot be located, file a written notice and request an arrest warrant from the Court (*§1205. Commencement of probation revocation proceedings by arrest*) and 2 – deliver or have a summons delivered to the probationer ordering them to appear for a court hearing on the alleged violation *(§1205.B Commencement of probation revocation proceedings by summons)*. Probation Officers have complete discretion to make an arrest or issue a summons in response to a violation of probation. Complete discretion by Probation Officers when responding to violation of probations is likely to result in disparate treatment of Offenders – an issue that was reported in a number of Counties.

In 2005 there were 3,684 new referrals to probation supervision, an average of 8,106 offenders under supervision, and 4,931 probationers charged with violation of probation. It must be noted that the number of probation violations represents the total number of charges for violation of probation that resulted in an arrest, summons, or warrant request. Some offenders had multiple charges of violation of probation; therefore, this number is not intended to reflect the number of offenders charged with violation of probation. Summonses are used in lieu of arrest in response to an estimated 23% of probation violations. On August 28, 2006, there were 7,898 offenders under probation supervision (6,351 active and 1,547 passive).

PRETRIAL CASE PROCESSING FLOW CHART

You may recall that pretrial case processing has been broken down into seven stages and eight key system participants as listed below.

Critical Stages:

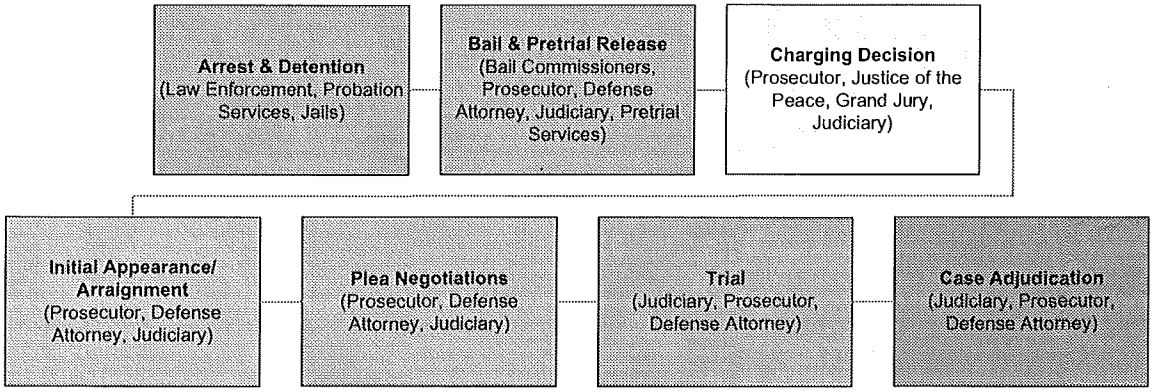
1. Arrest and Detention
2. Bail and Pretrial Release
3. Charging Decision
4. Initial Appearance/Arraignment
5. Plea Negotiations
6. Trial
7. Case Adjudication

Key System Participants:

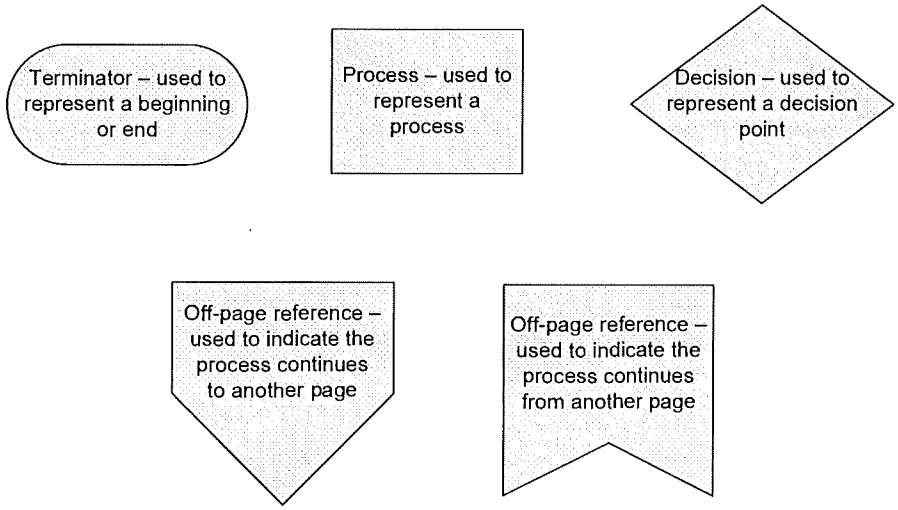
1. Law Enforcement
2. Jails
3. Judicial Branch
4. Prosecutors
5. Defense Attorneys
6. Grand Jury
7. Pretrial Services
8. DOC – Probation Services

In the diagram that follows the stages have been color coded and matched with their respective key system participants discussed in detail previously.

Maine Pretrial Case Process Overview

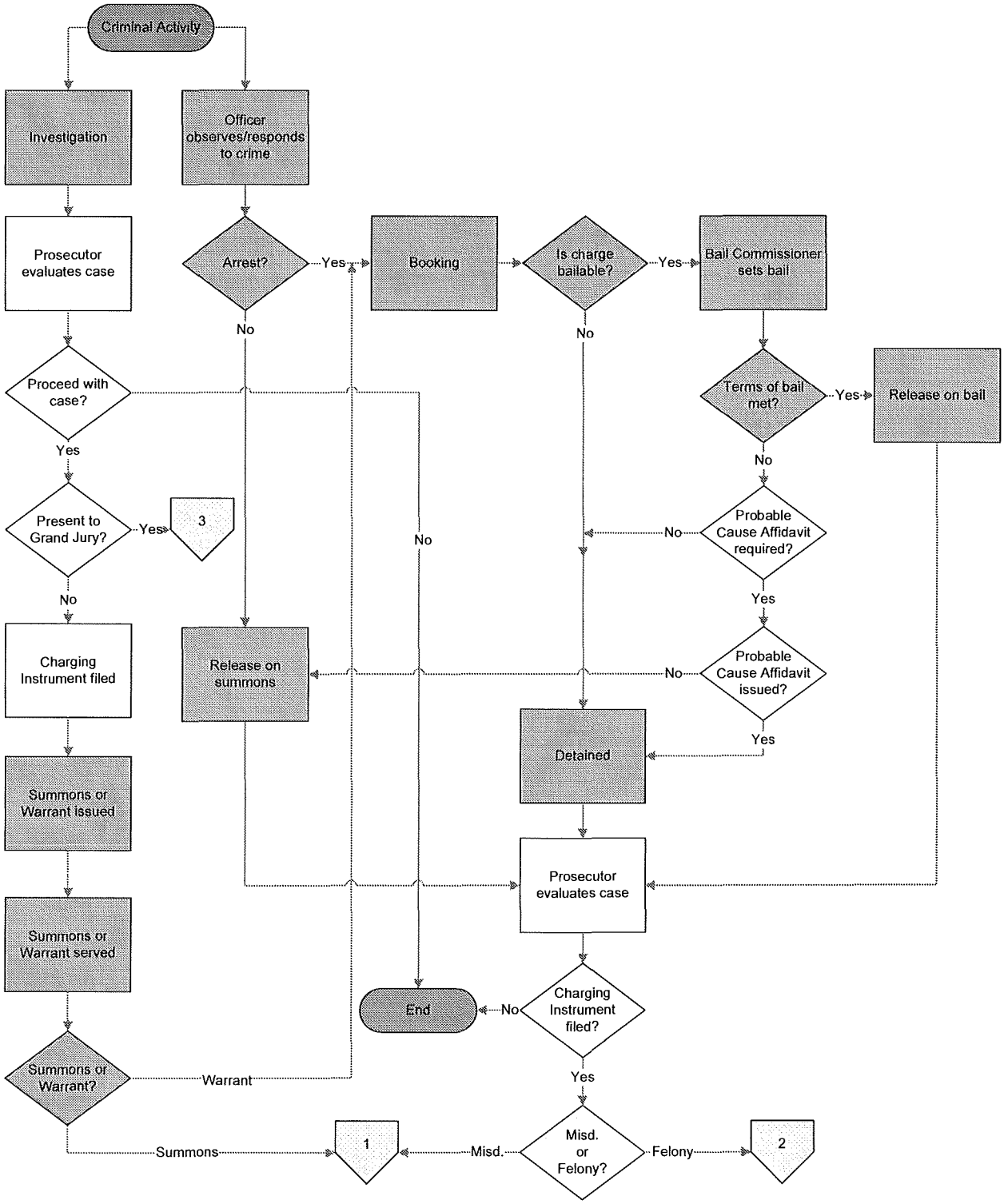


In an attempt to further understand pretrial case processing in Maine, the process has been mapped using a traditional flow charting procedure. Each critical process and decision point has been mapped and color coded to the corresponding stage that the process or decision point represents. Explanations of the primary symbols used in the flow chart are provided below followed by the process flow chart.



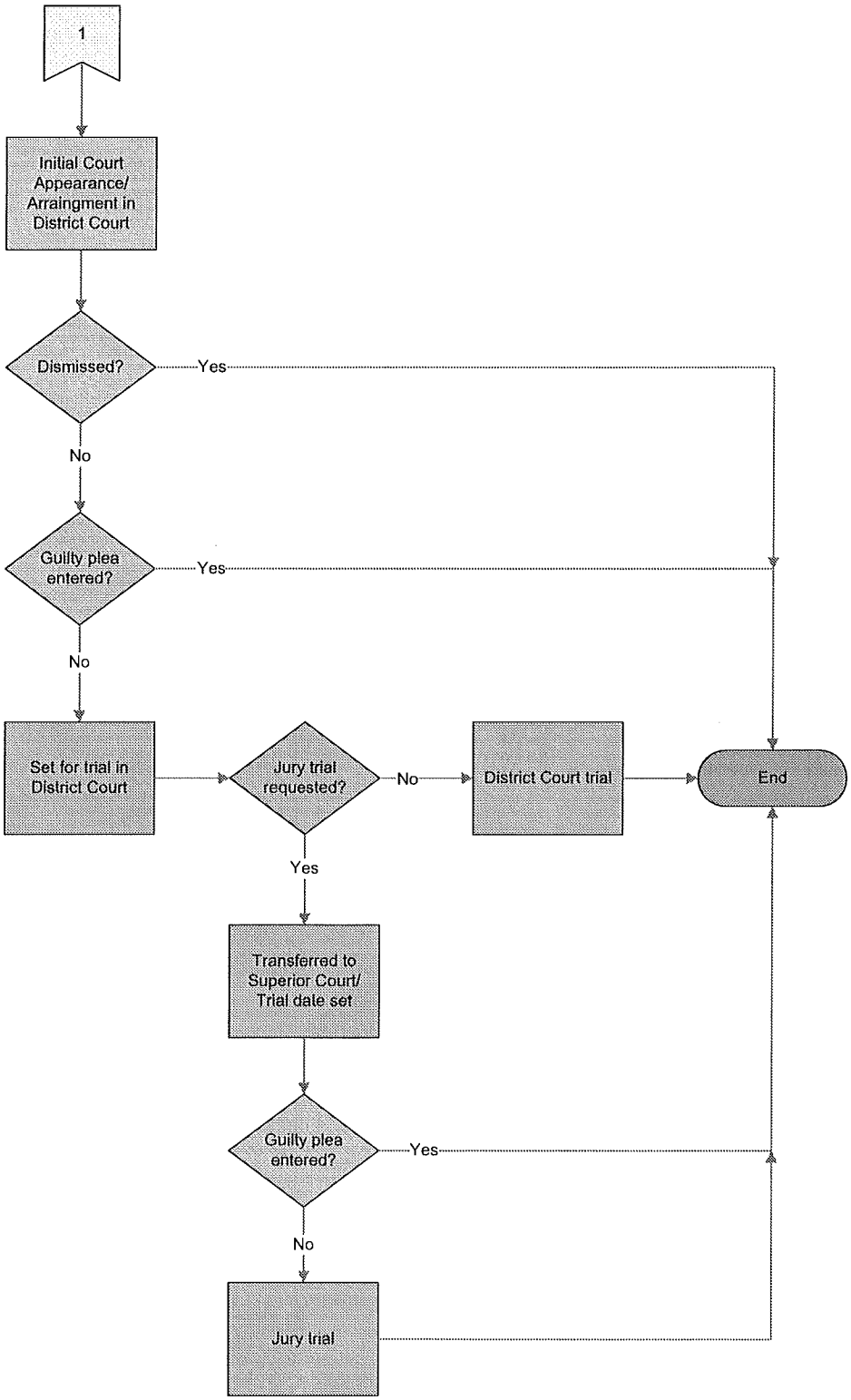
Maine Pretrial Case Process Flow

(Process for all criminal charges begins)



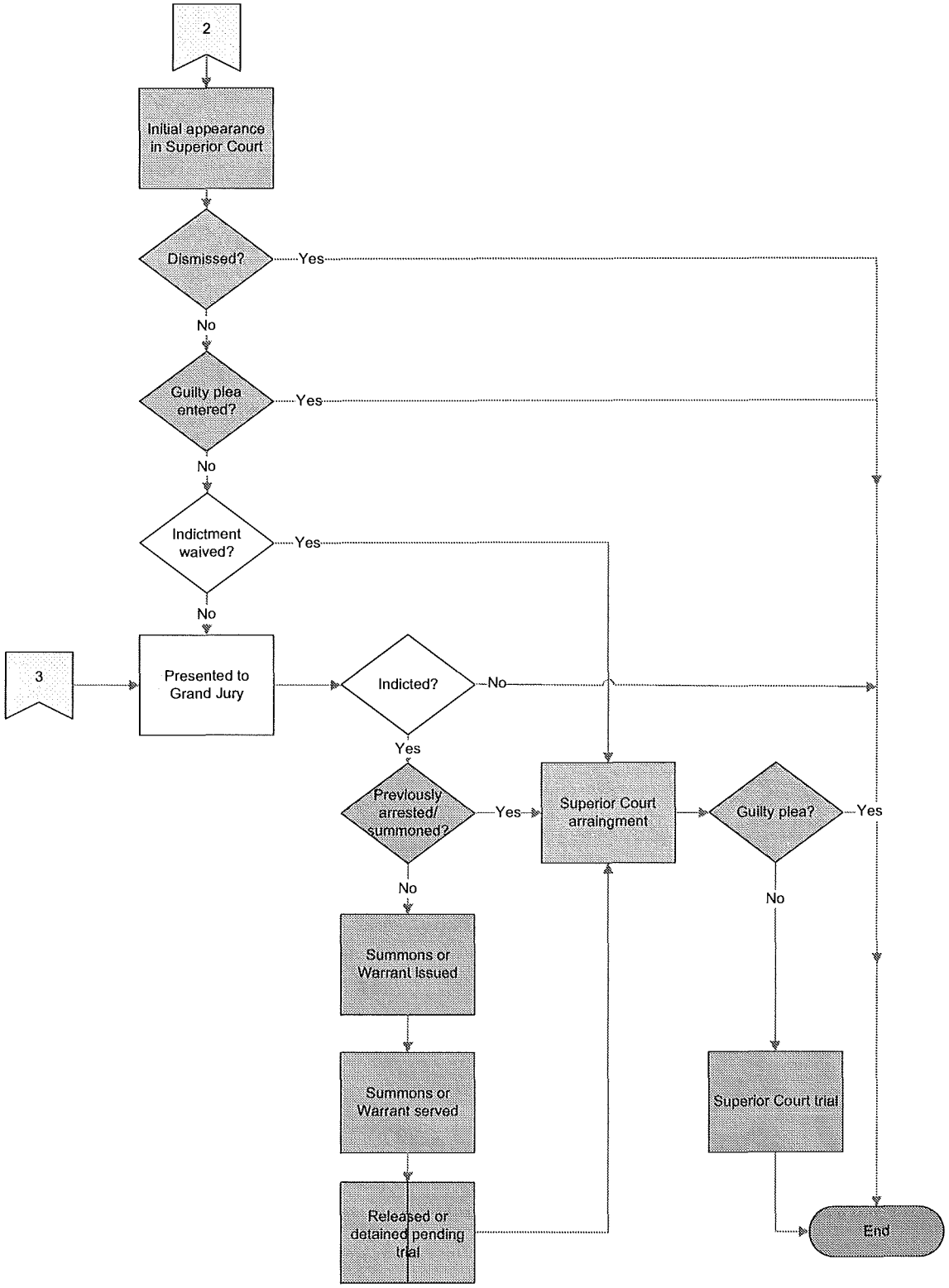
Maine Pretrial Case Process Flow

Misdemeanor Case Process Continued



Maine Pretrial Case Process Flow

Felony Case Process Continued



Androscoggin County, incorporated in 1854, is located in Southern Maine. The County is 470 square miles with an estimated population of 108,039 according to the 2005 U.S. Census population estimates. With 14 cities, towns, and townships, including Lewiston and Auburn (the county seat) which are two of the five largest cities in the state, Androscoggin is the 5th most populated County. In addition, Androscoggin County is the 13th largest based on square miles and is the second most densely populated county with a population density of 221 persons per square mile.

LAW ENFORCEMENT

There are seven law enforcement agencies in the County in addition to the State Police, Maine Drug Enforcement Agency, Department of Inland Fisheries & Wildlife, and the Department of Marine Patrol. These seven agencies employ an estimated 177 full-time sworn law enforcement officers representing a ratio of 1.7 officers per 1,000 residents. This rate is consistent with the statewide average. The Androscoggin County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

Detailed arrest statistics for 2005 have not been released by the Maine Department of Public Safety as of this writing; therefore, the most recent published crime and arrest data is from 2004 and is reported here. There were 5,823 arrests made in 2004 (4,848 adult and 975 juvenile). Lewiston Police Department had the highest volume of arrests (3,068), followed by Auburn Police Department (1,029) and Lisbon Police Department (447). Reported Index Crimes totaled 2,998 in 2004 as can be seen in the chart below. Index Crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Crime rates are based on the occurrence of an Index Crime per 1,000 residents of the state. The County crime rate for 2004 was 28.01. This rate is higher than the 2004 statewide average of 25.28.

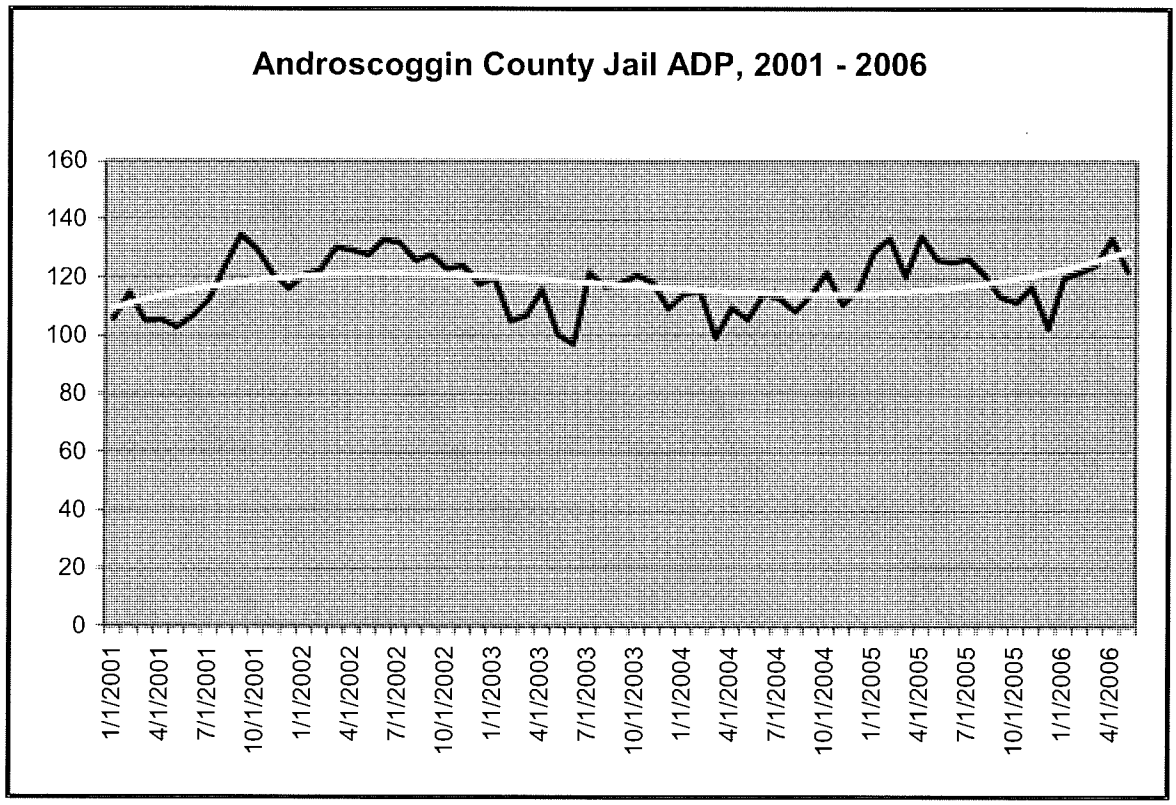
Reported Index Crimes 2004

Androscoggin County — ***January–December 2004***

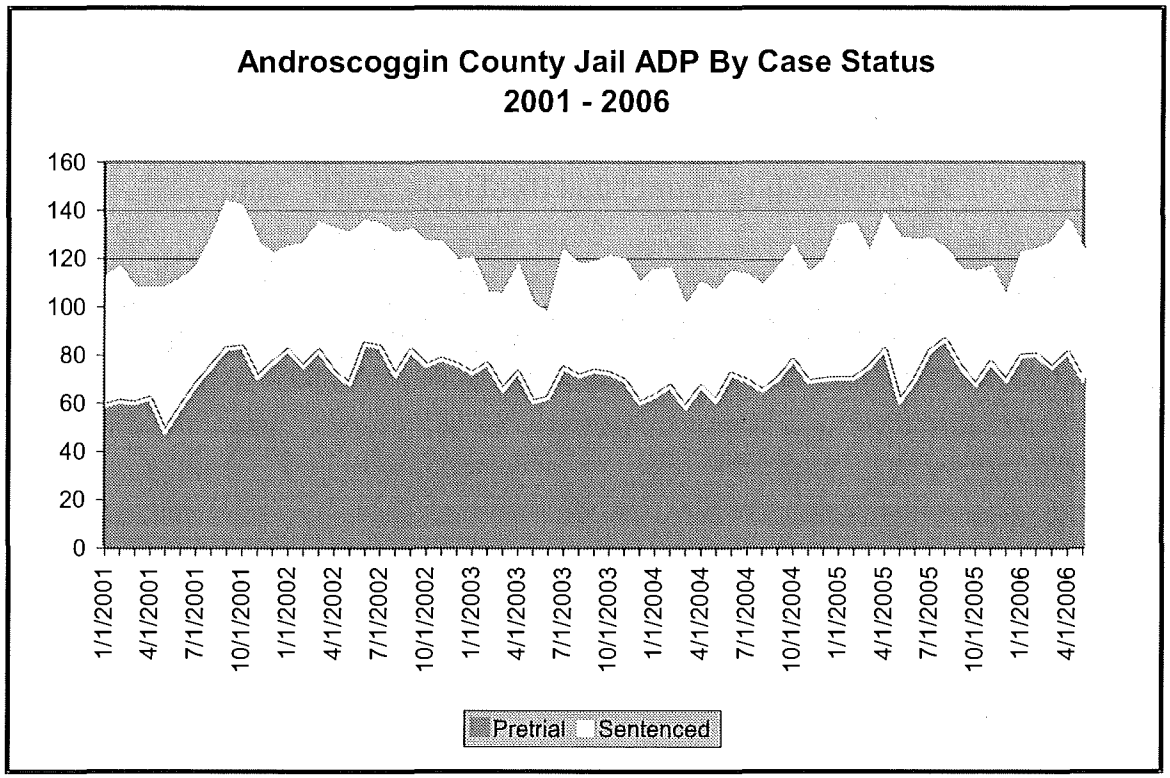
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Androscoggin SO	—	—	—	—	2	1	47	212	13	—	275	14.2
Auburn	23,519	29.89	—	2	4	4	102	559	31	1	703	32.0
Lewiston	36,239	39.79	2	19	27	33	261	1,048	49	3	1,442	28.6
Livermore Falls	3,272	58.68	—	3	—	6	52	130	1	—	192	7.3
Lisbon	9,318	14.49	—	4	1	3	26	97	4	—	135	38.5
Mechanic Falls	3,211	15.88	—	2	1	—	10	38	—	—	51	37.3
Sabattus	4,660	19.96	—	4	—	2	11	68	8	—	93	61.3
Androscoggin SP	—	—	1	—	—	1	43	53	9	—	107	15.9
Androscoggin County Totals	**107,052**	**28.01**	**3**	**34**	**35**	**50**	**552**	**2,205**	**115**	**4**	**2,998**	**27.9**
Total Urban Areas	**80,219**	**32.61**	**2**	**34**	**33**	**48**	**462**	**1,940**	**93**	**4**	**2,616**	**29.8**
Total Rural Areas	**26,833**	**14.24**	**1**	**—**	**2**	**2**	**90**	**265**	**22**	**—**	**382**	**14.7**

COUNTY JAIL

The Androscoggin County jail is located in the County seat of Auburn. The jail has a rated capacity of 118. As can be seen in the chart below, the Androscoggin County jail's average daily population has remained fairly stable over the last 5 years. The average daily population of inmates held in custody has fluctuated between a low of 112.1 in 2004 to a high of 126.4 in 2002. The stability of the jail's population is remarkable in light of the fact that bookings in Androscoggin County have increased in 2004 and 2005. Furthermore, for the first 5 months of 2006, there has been a double-digit increase in jail bookings. The mix of inmates by gender has also stayed consistent, fluctuating between just fewer than 89% male to just over 91% male between 2001 and the end of May, 2006.

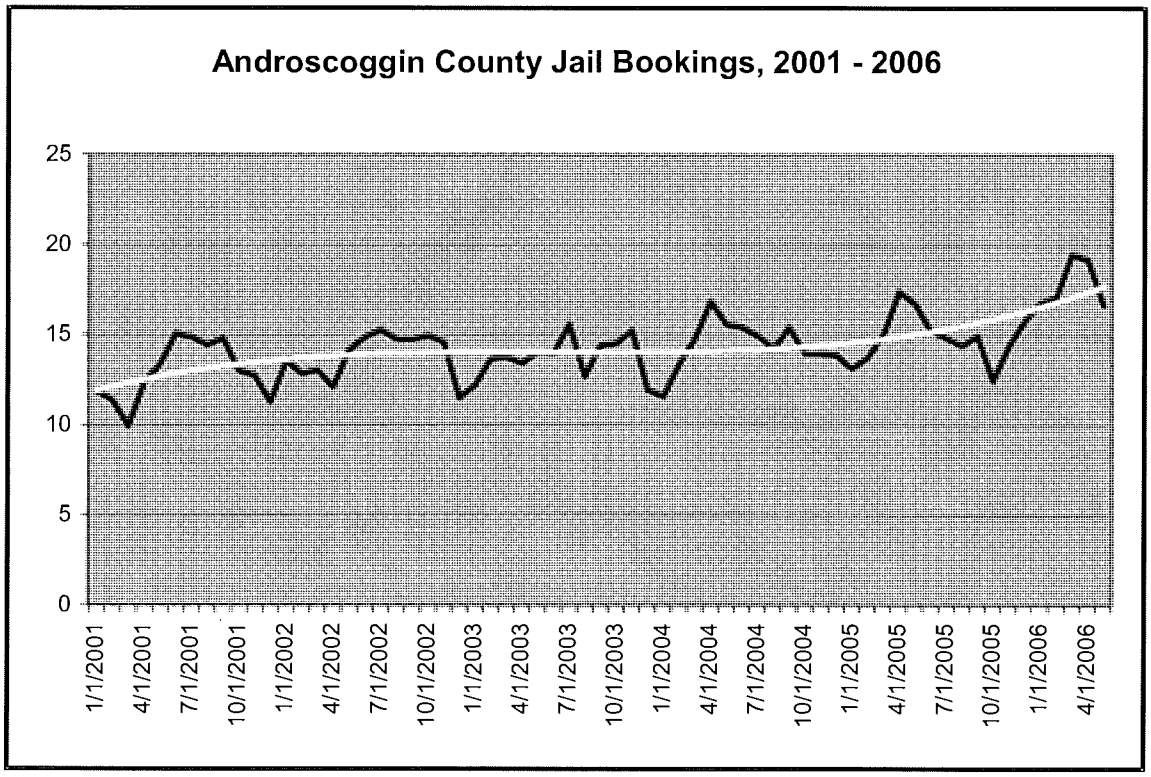


The percentage of inmates who are pending trial (pretrial) in Androscoggin County has fluctuated between 55% in 2001 to 61% in 2003. During the first three months of 2006 the defendants pending trial constituted 62.8% which is consistent with the statewide average of 63% during the same time period. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarders—inmates from other jurisdictions staying in the Androscoggin jail; or as boarded out inmates, meaning that they were staying in other jails. The number of inmates who were boarders varied between 2 and 6 inmates on a daily average. The number of inmates who were boarded out usually remained a daily average of 2 inmates, with the exception of September & October 2001, which had as many as 7 inmates boarded out.

Bookings have increased nearly 17% from 2005 so far in 2006 with nearly 18 inmates being booked into the jail each day. If this trend continues, 2006 will be the highest booking year between 2001 and 2006. As was the case with the gender mix in the average daily population, the percentage of bookings that are male has consistently stayed between 79% and 83% during the years studied. The higher percentage of males in the incarcerated population compared to the percentage of males booked is actually a common statistic, usually due to the fact that females typically have significantly shorter average lengths of stay. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Androscoggin County is in the 3rd court region. The County has one District Court located in Lewiston and one Superior Court located in Auburn. The Lewiston District Court had a total of 11,510 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 1,055 criminal cases pending in the Lewiston District Court. During the first half of 2006 there were 2,734 criminal case filings and 2,642 criminal case dispositions for a clearance rate of 96.6%. The clearance rate of 96.6% is below the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 5,276 criminal cases in an average of 87 days. The average of 87 days for case disposition ranks 9th out of 16 Counties.

The Lewiston District Court oversees five (5) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Androscoggin Superior Court has a Justice (not necessarily the same Justice) assigned to the Court for 12 months out of the year. In 2005, there were a total of 1,372 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 793 criminal cases pending in the Androscoggin Superior Court. During the first half of 2006 there were 768 criminal case filings and 636 criminal case dispositions for a clearance rate of 82.8%. The clearance rate of 82.8% is below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 1,132 criminal cases in an average of 232 days. The average of 232 days for case disposition ranks 15th out of 16 Superior Courts.

Androscoggin County operates an Adult Drug Treatment Court. This problem solving court involves a partnership between Tri-County Mental Health, Androscoggin County Superior Court, Androscoggin County District Attorney's Office, Maine Pretrial Services and Region Two Probation and Parole. In 2005 there were 59 referrals, 16 admissions into the program, 26 graduations (successful completions), and 4 terminations (unsuccessful completions). As of June 30, 2006, there were 18 people participating in the Adult Drug Treatment Court program.

Both the Lewiston District and Androscoggin Superior Courts are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 3rd prosecutorial district. The 3rd prosecutorial district also serves Franklin and Oxford Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the

victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Androscoggin County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Androscoggin County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Androscoggin County on a monthly basis and usually sits during the first week of each month.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to Androscoggin County since 1990. The program is funded by the County and is supplemented by supervision fees of $25, which are one time fees charged to defendants who are not indigent and for whom drug testing is ordered as a condition of release. Two full time staff provide services which include paper file reviews for all detained defendants incarcerated at the Androscoggin County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 338 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 93 defendants; 1/3rd (31) of whom were also on probation supervision. Twenty-nine defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 3 for alleged new criminal conduct, and 26 for technical violations (violations of conditions other than FTA and new alleged criminal conduct). As of June 30, 2006, there were 69 defendants under pretrial supervision.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Androscoggin County is a part of probation region two along with Oxford, Sagadahoc, and Lincoln Counties. As of August 28, 2006, there were 547 active offenders under supervision in this county.

Aroostook County, incorporated in 1839, is Maine's northernmost County. The County is 6,672 square miles with an estimated population of 73,240 according to the 2005 U.S. Census population estimates. With 68 cities, towns, and townships, including Houlton the county seat, Aroostook is the 6th most populated County. In addition, Aroostook County is the largest based on square miles and is the 2nd least densely populated county with a population density of 11 persons per square mile.

LAW ENFORCEMENT

There are 11 law enforcement agencies in the County in addition to the State law enforcement agencies These 11 agencies employ an estimated 84 full-time sworn law enforcement officers representing a ratio of 1.1 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Aroostook County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

The most recent published crime and arrest data from 2004 are reported here. There were 3,074 arrests made in 2004 (2,580 adult and 494 juvenile). Caribou Police Department had the highest volume of arrests (570), followed by Presque Isle and the Aroostook State Police (563 each), and Houlton Police Department (528).

Reported Index Crimes totaled 1,469 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 19.83. This rate is lower than the 2004 statewide average of 25.28.

Reported Index Crimes 2004

Aroostook County — ***January–December 2004***

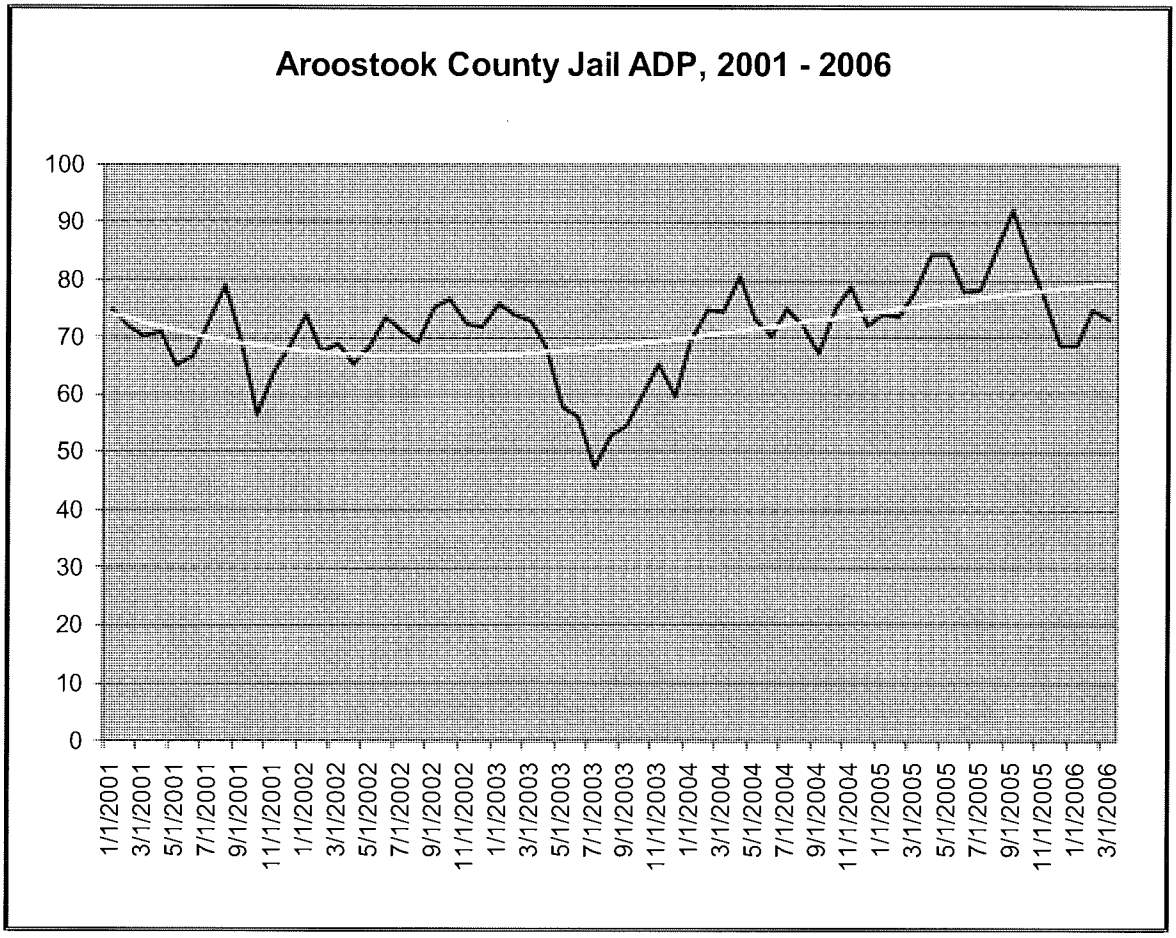
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Aroostook SO	—	—	—	—	—	1	46	42	5	—	94	31.9
Caribou	8,381	31.26	—	—	4	1	69	179	9	—	262	41.6
Fort Fairfield	3,559	15.17	—	2	1	4	11	32	4	—	54	72.2
Fort Kent	4,243	14.14	1	—	—	1	2	54	2	—	60	78.3
Houlton	6,417	39.11	—	6	2	1	59	176	7	—	251	24.7
Madawaska	4,547	8.80	—	—	—	—	12	26	2	—	40	40.0
Presque Isle	9,532	34.31	—	5	3	3	52	255	9	—	327	31.2
Van Buren	2,613	16.07	—	—	—	—	2	38	2	—	42	31.0
Ashland	1,485	14.14	—	—	—	2	12	5	1	1	21	23.8
Limestone	2,356	22.50	—	—	—	1	13	36	3	—	53	18.9
Washburn	1,629	18.42	—	—	—	—	8	19	2	1	30	13.3
Aroostook SP	—	—	1	2	3	1	104	108	16	—	235	26.0
Aroostook County Totals	**74,076**	**19.83**	**2**	**15**	**13**	**15**	**390**	**970**	**62**	**2**	**1,469**	**33.9**
Total Urban Areas	**44,762**	**25.47**	**1**	**13**	**10**	**13**	**240**	**820**	**41**	**2**	**1,140**	**35.7**
Total Rural Areas	**29,314**	**11.22**	**1**	**2**	**3**	**2**	**150**	**150**	**21**	**—**	**329**	**27.7**

COUNTY JAIL

The Aroostook County jail is located in the County seat of Houlton. The jail has a rated capacity of 66. Two separate data analyses were completed for Aroostook County. Summary data of monthly reports from the jail were provided by the Department of Corrections for the period 2001 through the end of March 2006. In addition, the jail provided a data set that included data for all defendants booked into the jail between 2001 and July 2006. The analysis is presented in two sections below based on the source of the data.

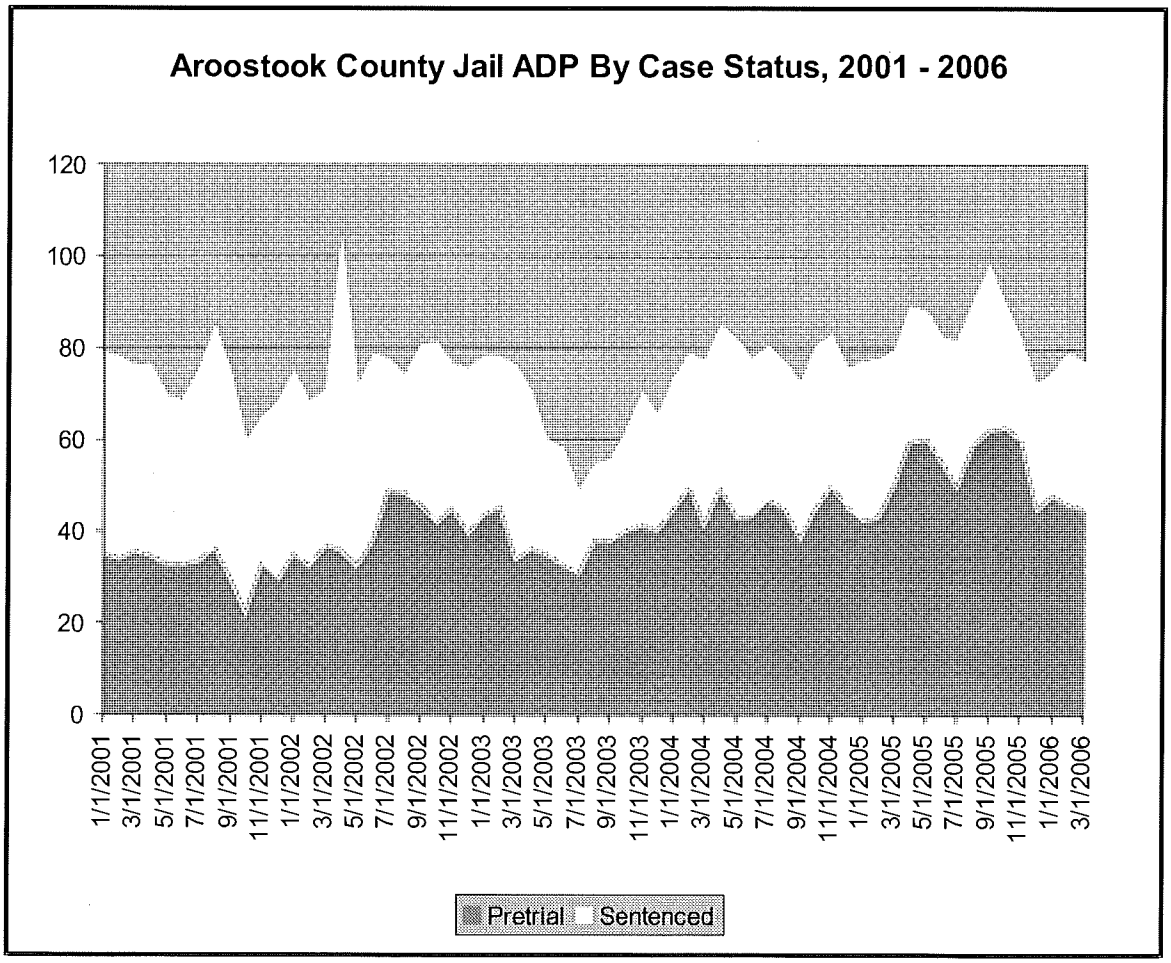
DOC MONTHLY REPORT DATA

As can be seen in the chart below, with the exception of a significant population reduction in 2003, the Aroostook County jail's average daily population has remained fairly consistent between 2001 and 2006. The average daily population of inmates held in custody has fluctuated between a low of 69 in 2001 to a high of 80 in 2005. Thus far in 2006, the population has decreased back to the approximate 5-year average. The causes of the large fluctuations in the jail's population are unknown as the booking and release trends are extremely consistent. It should be noted that a number of criminal justice professionals in Aroostook County have attributed the significant reduction in the jail ADP over the past year to the Pretrial Services program operated by Maine Pretrial Services, which began operating in 2005.



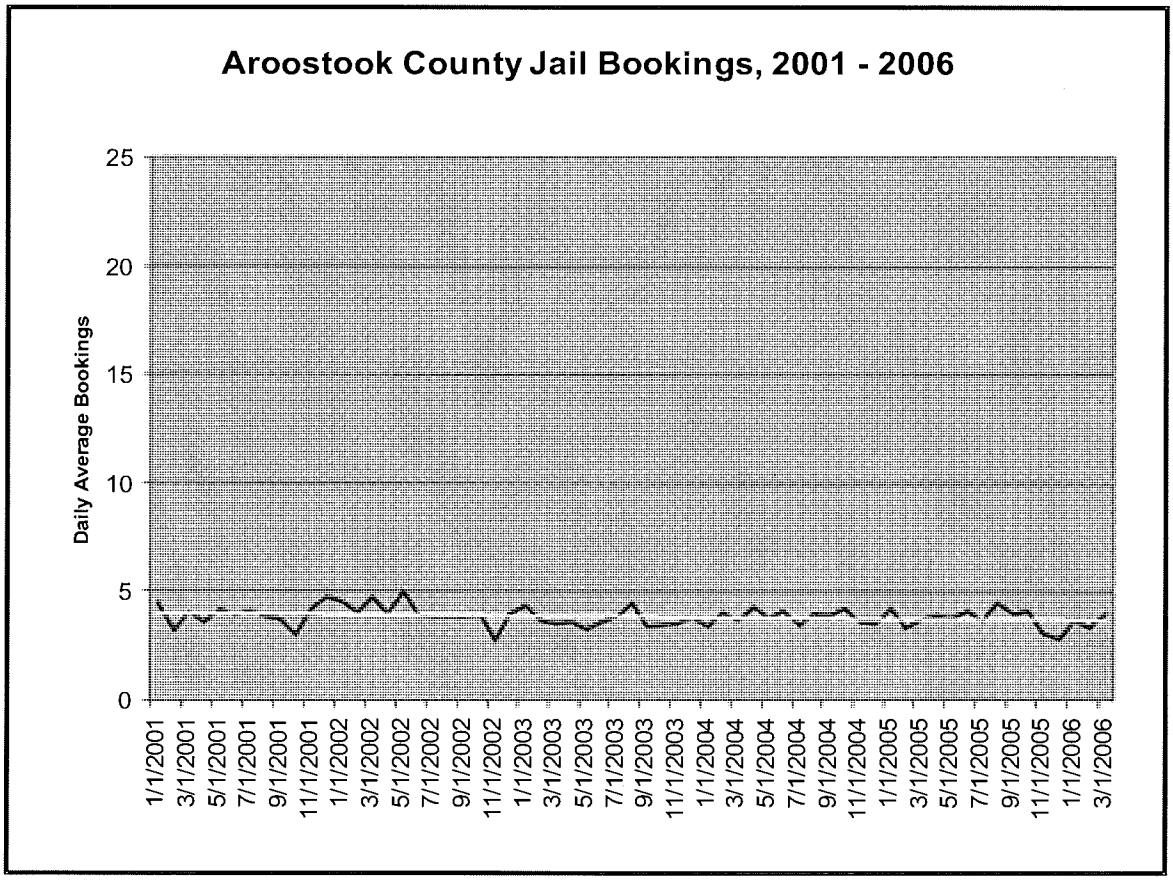
The mix of inmates by gender has also shown significant fluctuations. In 2001, less than 5% of inmates in Aroostook County were female. However, so far in 2006, the percentage is approximately 15%. Keep in mind that the actual numbers involved represent a female average daily population of 3 in 2001, while the number for 2006 is nearly 11.

The percentage of inmates who are pending trial (pretrial) in Aroostook County has fluctuated between a low of 44% in 2001 to a high of 64% in 2005. During the first three months of 2006 the defendants pending trial constituted 60% which is below the statewide average of 63% during the same time period. The following chart depicts the average daily population by case status trend from 2001 through the end of March 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out has fluctuated on an average daily basis between 2 and 10 inmates during the analysis. Similarly, the number of inmates considered boarders in the Aroostook County jail has fluctuated between 1 and 5 inmates.

Bookings and releases in Aroostook County hover around an average of 4 per day with surprisingly little variation over time. Females typically represent between 15% and 18% of all bookings. The lack of any trend in the data and the small amount of variation over time provide very little in the way of explanation for the significant population swings noted earlier. The chart that follows shows the bookings trend between 2001 and 2006.



JAIL BOOKING DATA

Data for this analysis was provided by the Aroostook County jail. The data included information for every inmate booked into the jail from 2001 through July 2006.

Race

The racial breakdown of the inmates booked into the jail during the specified timeframe can be found in the following table.

Race	Number	Percent
Asian	64	1.5%
Black	70	1.6%
Indian	164	3.7%
Unknown/Other	280	6.4%
White	3799	86.8%
Total	4377	100%

Gender

Approximately 16% of the inmates in the analysis were female. Across the nation females typically account for approximately 12% to 20% of the bookings if not the incarcerated population. The table below provides the totals and percentages based on gender.

	Female	Male	Total	Female	Male
Aroostook County	704	3,673	4,377	16.1%	83.9%

Charges

Aroostook County supplied the charges for each individual inmate. As is usually the case, a large proportion of these inmates had multiple charges against them during their incarceration. It proved difficult to determine which charge would be the primary charge for each inmate. For this reason, an analysis was completed which included all of the charges for the inmates and summary statistics are provided based on the totality of charges. Note that this number adds up to much more than the inmate population and booking numbers reported above.

Charges	Total	Percent
Alcohol	507	3.4%
Assault	1,055	7.1%
Domestic Violence	286	1.9%
Drugs	583	3.9%
Failure to Appear	523	3.5%
Failure to Pay Fine	698	4.7%
Murder/Manslaughter	33	0.2%
Other/Unknown	1,084	7.3%
OUI	1,243	8.3%
Property Crimes	2,336	15.7%
Public Order Offenses	1,173	7.9%
Robbery	66	0.4%
Sexual Offenses	197	1.3%
Traffic	1,473	9.9%
Violation of Conditional Release	1,402	9.4%
Violation of Probation	1,991	13.4%
Violation of Protective Order	97	0.7%
Weapons	145	1.0%
Total	14,892	100.0%

It is interesting to note that if all the different criminal process violation charges we combined, such as failures to appear, probation violations, and violations of conditional release, nearly one-third of all Aroostook County charges would be in such a category.

Average Length of Stay

The average length of stay of inmates in the analysis was calculated by averaging the length of incarceration for all defendants booked into the jail. Some inmates who were booked into the facility and were not released at the time the data was provided were excluded from the analysis. In addition, for defendants who were booked and released on the same calendar day, the length of stay was counted as one day. For the entire length of this analysis, the overall average length of stay is exactly 20 days. Because of the nature of the dataset, it was impossible to reliably provide a breakdown based on gender or time.

DISTRICT AND SUPERIOR COURTS

Aroostook County is the only county in the 8th court region. The County has five District Courts located in Houlton, Presque Isle, Caribou, Fort Kent, and Madawaska and one Superior Court with two locations in Caribou and Houlton. The District Courts had a total of 7,147 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 646 criminal cases pending in the Aroostook County District Courts. During the first half of 2006 there were 1,624 criminal case filings and 1,462 criminal case dispositions for a clearance rate of 90%. The clearance rate of 90% is below the statewide average of 104.4% when compared to all Maine District Courts. It should be noted that the clearance rates range by District Court including the following: Houlton 102.9%, Caribou 98%, Presque Isle 90.1%, and Fort Kent 62.5%. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 3,020 criminal cases in an average of 89.8 days. The average of 89.8 days for case disposition ranks 11th out of 16 Counties.

The District Court oversees 18 Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Aroostook Superior Court has a Justice (not necessarily the same Justice) assigned to the Court 9.5 months out of the year, In 2005, there were a total of 721 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 439 criminal cases pending in the Aroostook Superior Court. During the first half of 2006 there were 414 criminal case filings and 309 criminal case dispositions for a clearance rate of 74.6%. The clearance rate of 74.6% is below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 533 criminal cases in an average of 229 days. The average of 229 days for case disposition ranks 14th out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 8th prosecutorial district and serves the County of Aroostook. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Aroostook County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Aroostook County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Aroostook County six times a year.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to Aroostook County since early 2005. The program is funded by the County and is supplemented by supervision fees of $25, which are one time fees charged to defendants who are not indigent and for whom drug testing is ordered as a condition of release. Two full time staff provide services which include paper file reviews for all detained defendants incarcerated at the Aroostook County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 122 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 61 defendants; only one of whom was also on probation supervision. Nine defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 0 for alleged new criminal conduct, and 9 for technical violations (violations of conditions other than FTA and new alleged criminal conduct). As of June 30, 2006, there were 72 defendants under pretrial supervision.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Aroostook County is a part of probation region four along with Hancock, Penobscot, Piscataquis, and Washington Counties. As of August 28, 2006, there were 236 active offenders under supervision in this county.

Cumberland County, incorporated in 1760, is located in Southern Maine. The County is 836 square miles with an estimated population of 274,950 according to the 2005 U.S. Census population estimates. With 26 cities, towns, and townships, including Portland the county seat and Maine's largest city, Cumberland is the most populated County. In addition, Cumberland County is the 11th largest based on square miles and is the most densely populated county with a population density of 318 persons per square mile.

LAW ENFORCEMENT

There are 15 law enforcement agencies in the County in addition to the State law enforcement agencies These 15 agencies employ an estimated 487 full-time sworn law enforcement officers representing a ratio of 1.8 officers per 1,000 residents. This rate is higher than the statewide average of 1.7. There is no law enforcement agency designated to serve as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 11,644 arrests made in 2004 (10,032 adult and 1;612 juvenile). Portland PD had the highest volume of arrests (3,443), followed by South Portland PD (1,712), and Cumberland County SO (1,436). Reported Index Crimes totaled 7,882 in 2004 and are provided in the chart below. The County crime rate for 2004 was 28.84. This rate is higher than the 2004 statewide average of 25.28.

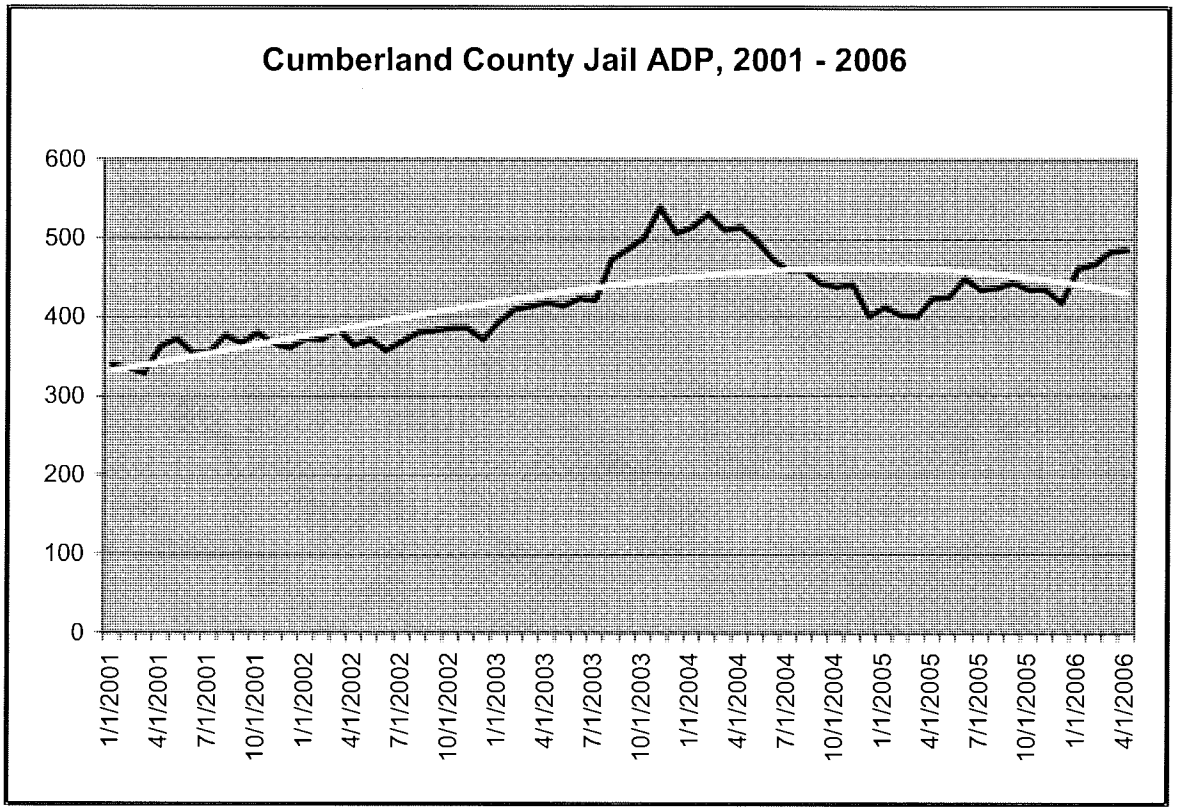
Reported Index Crimes 2004

Cumberland County — ***January–December 2004***

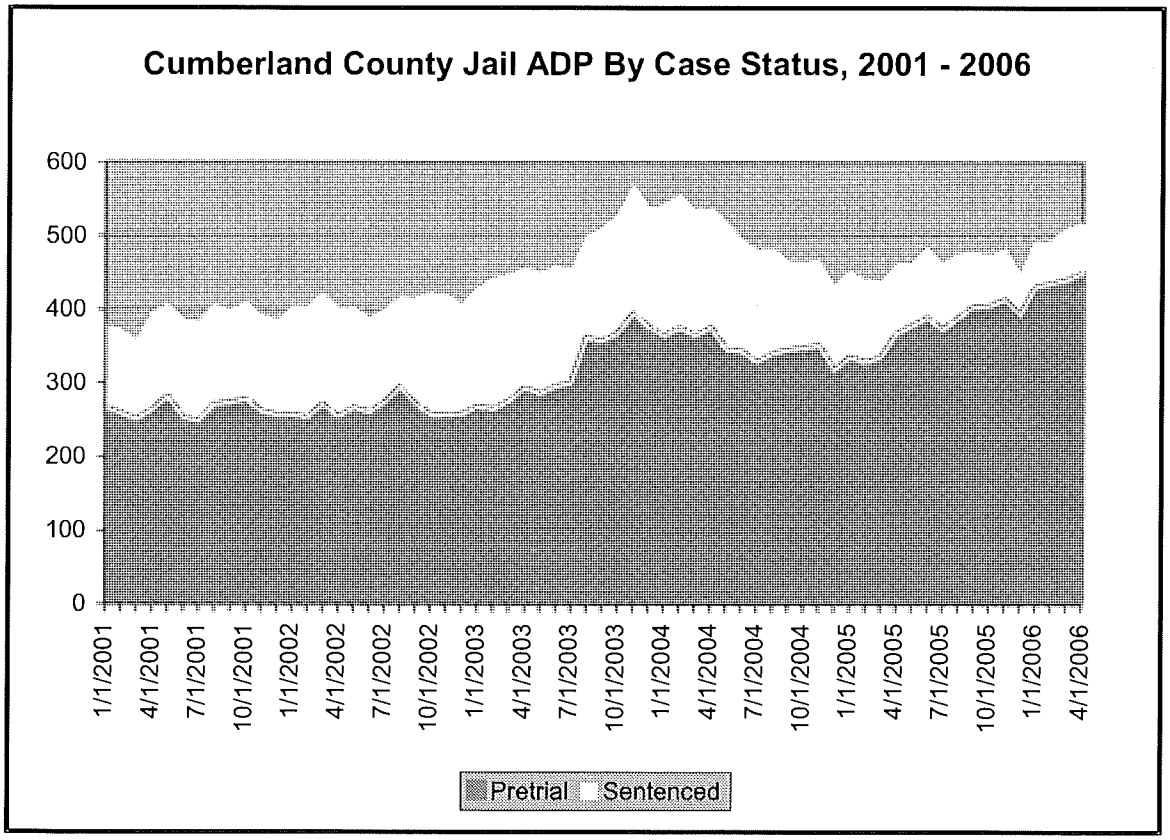
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Cumberland SO	—	—	—	4	3	11	232	335	39	5	629	26.4
Brunswick	21,719	22.75	—	6	4	6	72	378	20	8	494	15.6
Cape Elizabeth	9,093	10.89	—	—	—	2	20	72	5	—	99	9.1
Falmouth	10,675	14.99	—	1	—	1	22	127	9	—	160	8.8
Gorham	15,146	14.99	—	4	4	7	54	146	10	2	227	36.1
Portland	64,197	51.12	2	34	94	124	524	2,332	156	16	3,282	18.1
South Portland	23,761	47.18	—	9	6	15	90	959	41	1	1,121	46.8
Scarborough	18,622	16.06	—	2	2	10	42	222	21	—	299	44.1
Westbrook	16,193	28.84	—	5	5	22	77	326	29	3	467	27.6
Bridgton	5,067	35.72	—	—	—	1	30	147	3	—	181	17.7
Cumberland	7,506	4.40	—	—	—	—	14	15	4	—	33	30.3
Freeport	8,036	18.79	—	1	—	—	27	121	2	—	151	25.2
Yarmouth	8,363	12.44	1	—	—	5	14	77	4	3	104	29.8
Windham	15,584	26.95	—	—	—	3	102	299	13	3	420	23.6
University of Southern Maine	—	—	—	7	—	—	15	74	1	—	97	25.8
Cumberland SP	—	—	—	1	—	2	27	75	13	—	118	17.8
Cumberland County Totals	**273,311**	**28.84**	**3**	**74**	**118**	**209**	**1,362**	**5,705**	**370**	**41**	**7,882**	**25.2**
Total Urban Areas	**223,962**	**31.86**	**3**	**69**	**115**	**196**	**1,103**	**5,295**	**318**	**36**	**7,135**	**25.2**
Total Rural Areas	**49,349**	**15.14**	**—**	**5**	**3**	**13**	**259**	**410**	**52**	**5**	**747**	**25.0**

COUNTY JAIL

The Cumberland County jail is located in the County seat of Portland. The jail has a rated capacity of 628 which includes a 58 bed pre-release center. The Cumberland County Jail's average daily population of inmates held in custody has generally increased during the 64 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 358 in 2001 to a high of 475 so far in 2006, representing a 32% increase. The average daily population held in house number seems to disagree with the chart below, which appears to indicate that the population was higher in 2003 and 2004. While the peak population in late 2003 and early 2004 is indeed higher, the actual average has been higher for the first 4 months of 2006. It is interesting to note that the Cumberland County Jail's average daily in house population decreased for nearly a year, beginning approximately in May 2004 and continuing until April 2005. This coincides with a decrease in the number of bookings as well as the number of inmates from other jurisdictions. The 12-month period since that time is marked by steady increase, peaking with 486 inmates in April 2006. The mix of inmates by gender has held steady with the percentage of female inmates fluctuating between 9% and 12% during this analysis.

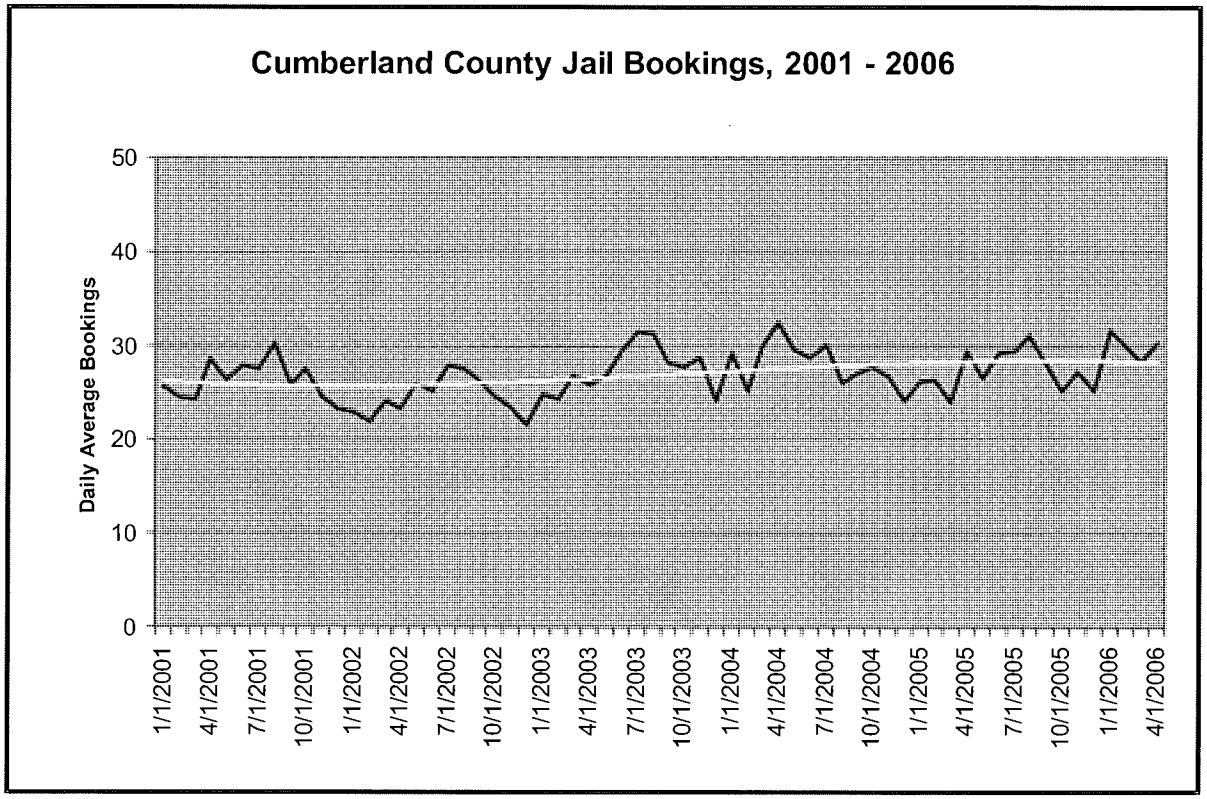


The percentage of inmates who are pending trial (pretrial) in Cumberland County has fluctuated between a low of 65% in 2002 to a high of 87% during the first 4 months of 2006. During the first three months of 2006 the defendants pending trial constituted 87% which is significantly higher than the statewide average of 63% during the same time period. The chart that follows depicts the average daily population by case status trends from 2001 through the end of April 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out has fluctuated on an annual average daily basis between 15 and 27 during this analysis. The number of inmates who are boarders has increased significantly. In 2001, 57 inmates each day on average were boarders. During the first 4 months of 2006, the average daily number of boarders is 135.

Bookings have increased over 10% from 2005 so far in 2006 with nearly 30 inmates being booked into the jail each day. There has been a 14% increase in bookings between 2001 and 2006. If the booking trends continue, 2006 will be the highest booking year between 2001 and 2006. Females comprise about 18% of the bookings during 2006, which mirrors the previous 4 years. It should be noted that the increase in bookings is influenced by the increase in boarders and is not an accurate representation of Cumberland County responsible bookings. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Cumberland County is the only county in the 2nd court region. The County has two District Courts located in Portland and Bridgton and one Superior Court in Portland. The District Courts had a total of 21,839 criminal case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 1,812 criminal cases pending in the Cumberland County District Courts. During the first half of 2006 there were 5,410 criminal case filings and 5,199 criminal case dispositions for a clearance rate of 96.1%. The clearance rate of 96.1% is below the statewide average of 104.4% when compared to all Maine District Courts. It should be noted that the clearance rates range by District Court including Portland with 95.6% and Bridgton with 100.4%. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 10,295 criminal cases in an average of 93.1 days. The average of 93.1 days for case disposition ranks 12th out of 16 Counties.

The District Court oversees 18 Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Cumberland Superior Court has four (4) Justices for 9 months, three (3) for 2 months, and two (2) for one month out of the year. In 2005, there were a total of 3,927 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 1,380 criminal cases pending in the Cumberland Superior Court. During the first half of 2006 there were 1,784 criminal case filings and 1,593 criminal case dispositions for a clearance rate of 89.3%. The clearance rate of 89.3% is slightly below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 2,944 criminal cases in an average of 160 days. The average of 160 days for case disposition ranks 10th out of 16 Superior Courts.

Cumberland County operates an Adult Drug Treatment Court. This problem solving court involves a partnership between Catholic Charities, Cumberland County Superior and District Courts, Cumberland County District Attorney's Office, Maine Pretrial Services, and Region One Probation and Parole. In 2005 there were 55 referrals, 8 admissions into the program, 21 graduations (successful completions), and 6 terminations (unsuccessful completions). As of June 30, 2006, there were 26 people participating in the Adult Drug Treatment Court program.

All Cumberland County Courts are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 2nd prosecutorial district and serves the County of Cumberland. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide

support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Cumberland County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Cumberland County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Cumberland County on a monthly basis.

PRETRIAL SERVICES

A Pretrial Services program started in Cumberland County in the late 1970's as a community bail project. This project was incorporated into Maine Pretrial Services in the mid 1980's and has been operational since that time. The program is funded by the County and a federal grant, and is supplemented by supervision fees of $25, which are one time fees charged to defendants who are not indigent and for whom drug testing is ordered as a condition of release. There are 4½ full time staff (2.5 County funded and 2 federally grant funded) who provide services which include paper file reviews for all detained defendants incarcerated at the Cumberland County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 344 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 341 defendants; 43% (146) of whom were also on probation supervision. Fifty-four defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 13 for alleged new criminal conduct, and 44 for technical violations (violations of conditions other than FTA and new alleged criminal conduct). As of June 30, 2006, there were 117 defendants under pretrial supervision.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Cumberland County is a part of probation region one along with York County. As of August 28, 2006, there were 877 active offenders under supervision in this county.

Franklin County, incorporated in 1838, is located in Western Maine. The County is 1,698 square miles with an estimated population of 29,704 according to the 2005 U.S. Census population estimates. With 21 cities, towns, and townships, including the town of Farmington which is the county seat, Franklin is the 2nd least populated County. In addition, Franklin County is the 7th largest based on square miles and ranks 12th with a population density of 17 persons per square mile.

LAW ENFORCEMENT

There are seven (7) law enforcement agencies in the County in addition to the State law enforcement agencies. These seven (7) agencies employ an estimated 48 full-time sworn law enforcement officers representing a ratio of 1.6 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Franklin County Sheriff's Office is designated to serve as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1,543 arrests made in 2004 (1,316 adult and 227 juvenile). Farmington PD had the highest volume of arrests (432), followed by Franklin County SO (361), and Jay PD (233). Reported Index Crimes totaled 772 in 2004 and are provided in the chart below. The County crime rate for 2004 was 25.71. This rate is slightly higher than the 2004 statewide average of 25.28.

Reported Index Crimes 2004

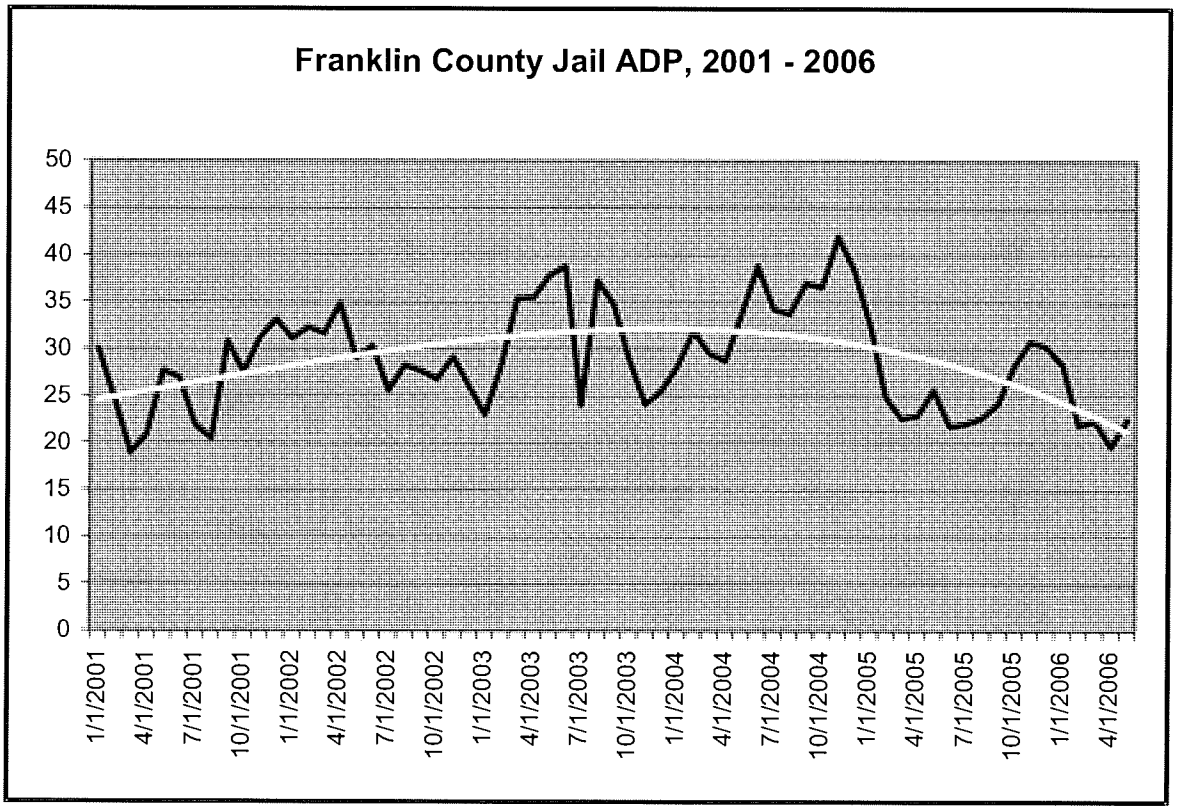
Franklin County — ***January–December 2004***

Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Franklin SO	—	—	—	1	—	12	35	61	3	—	112	32.1
Farmington	7,481	36.76	—	8	3	4	34	212	14	—	275	39.6
Jay	5,038	18.66	—	3	—	1	15	72	3	—	94	42.6
Wilton	4,252	19.29	—	—	—	—	18	62	2	—	82	24.4
Rangeley	1,115	27.80	—	—	—	4	10	14	3	—	31	58.1
University of ME Farmington	—	—	—	—	—	—	2	7	—	—	9	11.1
Carrabassett Valley	413	246.97	—	—	—	1	5	96	—	—	102	19.6
Franklin SP	—	—	—	—	—	2	21	37	6	1	67	25.4
Franklin County Totals	**30,026**	**25.71**	**—**	**12**	**3**	**24**	**140**	**561**	**31**	**1**	**772**	**33.8**
Total Urban Areas	**18,299**	**32.41**	**—**	**11**	**3**	**10**	**84**	**463**	**22**	**—**	**593**	**35.1**
Total Rural Areas	**11,727**	**15.26**	**—**	**1**	**—**	**14**	**56**	**98**	**9**	**1**	**179**	**29.6**

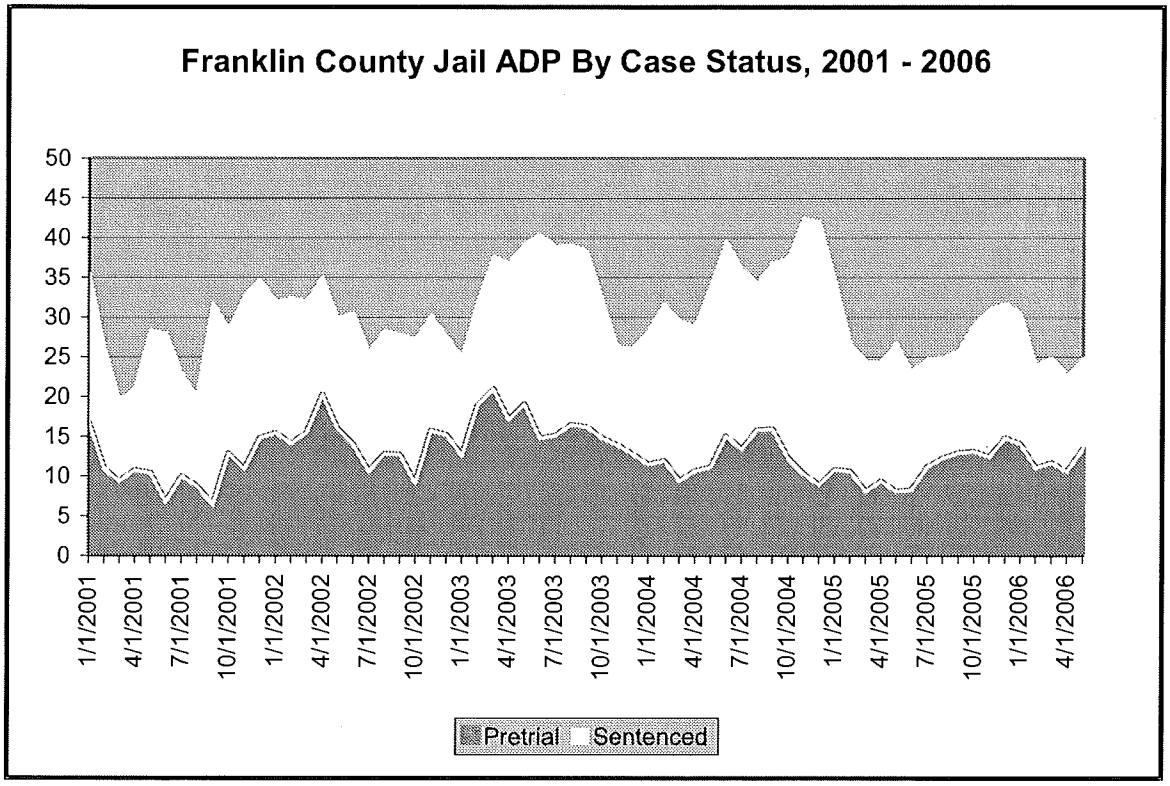
COUNTY JAIL

The Franklin County jail is located in the County seat of Farmington. The jail has a rated capacity of 23. The Franklin County Jail's average daily population of inmates held in custody has decreased since 2004. The annual average daily population of inmates held in custody has fluctuated between a low of 19 in 2001 to a high of 42 in 2004. The average daily population in 2006 is actually slightly below the population reported for 2001.

The mix of inmates by gender varies greatly due to the comparatively low number of inmates in custody. The percentage of females peaked in 2003 with 17% of the average daily population. In 2002, only 6% of the average daily population was female.

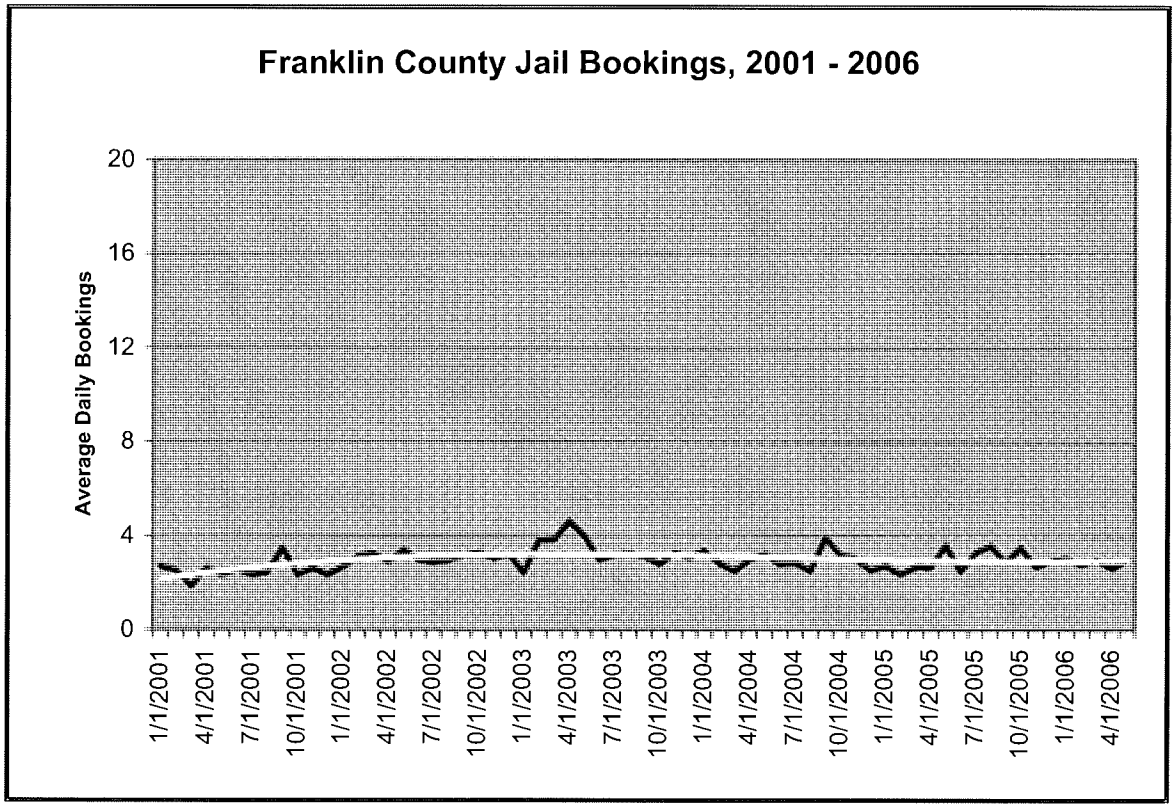


The percentage of inmates who are pending trial (pretrial) in Franklin County has fluctuated between a low of 35% in 2004 to a high of 48% during the first 5 months of 2006. The pretrial population in the Franklin County jail remains significantly below the statewide average of 63%. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



The Franklin County jail has had a very small number of boarders, with the average daily number of such inmates sometimes remaining below 1. The number of boarders ranges between a low of 0.5 in 2004 to 2.3 in 2003. Inmates who are boarded out to other facilities also involve very small numbers, with 0 on an average daily basis in 2002 to a high of 1.2 inmates thus far in 2006.

Bookings have remained remarkably stable during the 5+ years analyzed, with approximately 3 bookings per day being the average level for each year. Over time, between 15% and 20% of all bookings involve females. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Franklin County is in the 3rd court region along with Androscoggin and Oxford Counties. The County has one District Court and one Superior Court; both are located in Farmington. The District Courts had a total of 2,980 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 153 criminal cases pending in the Franklin County District Courts. During the first half of 2006 there were 644 criminal case filings and 647 criminal case dispositions for a clearance rate of 100.5%. The clearance rate of 100.5% is below the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 1,453 criminal cases in an average of 64 days. The average of 64 days for case disposition ranks 4th out of 16 Counties.

The District Court oversees four (4) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Franklin Superior Court has a Justice assigned to the Court three months out of the year. In 2005, there were a total of 403 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 131 criminal cases pending in the Franklin Superior Court. During the first half of 2006 there were 218 criminal case filings and 219 criminal case dispositions for a clearance rate of 100.5%. The clearance rate of 100.5% is significantly higher than the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 331 criminal cases in an average of 148 days. The average of 148 days for case disposition ranks 7th out of 16 Superior Courts.

All Franklin County Courts are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 3rd prosecutorial district. This district serves Franklin, Androscoggin, and Oxford Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Franklin County is served by a Lawyer of the Day who is provided by the Court at no cost and is available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. Franklin County currently only has one private practice attorney willing to serve as the lawyer of the day; therefore, the LOD is not present for in-custody initial appearances/arraignments but is available for most non-custody initial appearances/arraignments. In addition to attorneys who can be hired by a defendant, Franklin County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Franklin County on a quarterly basis.

PRETRIAL SERVICES

Franklin County is not served by a pretrial services program.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Franklin County is a part of probation region three along with Somerset, Kennebec, and Knox Counties. As of August 28, 2006, there were 144 active offenders under supervision in this county.

Hancock County, incorporated in 1789, is located in Southeastern Maine. The County is 1,589 square miles with an estimated population of 53,660 according to the 2005 U.S. Census population estimates. With 37 cities, towns, and townships, including Ellsworth the county seat, Hancock is the 8th most populated County. In addition, Hancock County is the 8th largest based on square miles and is the 10th most densely populated county with a population density of 33 persons per square mile.

LAW ENFORCEMENT

There are nine (9) law enforcement agencies in the County in addition to the State law enforcement agencies. These nine (9) agencies employ an estimated 61 full-time sworn law enforcement officers representing a ratio of 1.1 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Regional Community Center (RCC) is designated to serve as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1,951 arrests made in 2004 (1,704 adult and 247 juvenile). Ellsworth PD had the highest volume of arrests (631), followed by Hancock County SO (313), and the State Police (297). Reported Index Crimes totaled 1,206 in 2004 and are provided in the chart below. The County crime rate for 2004 was 22.64. This rate is lower than the 2004 statewide average of 25.28.

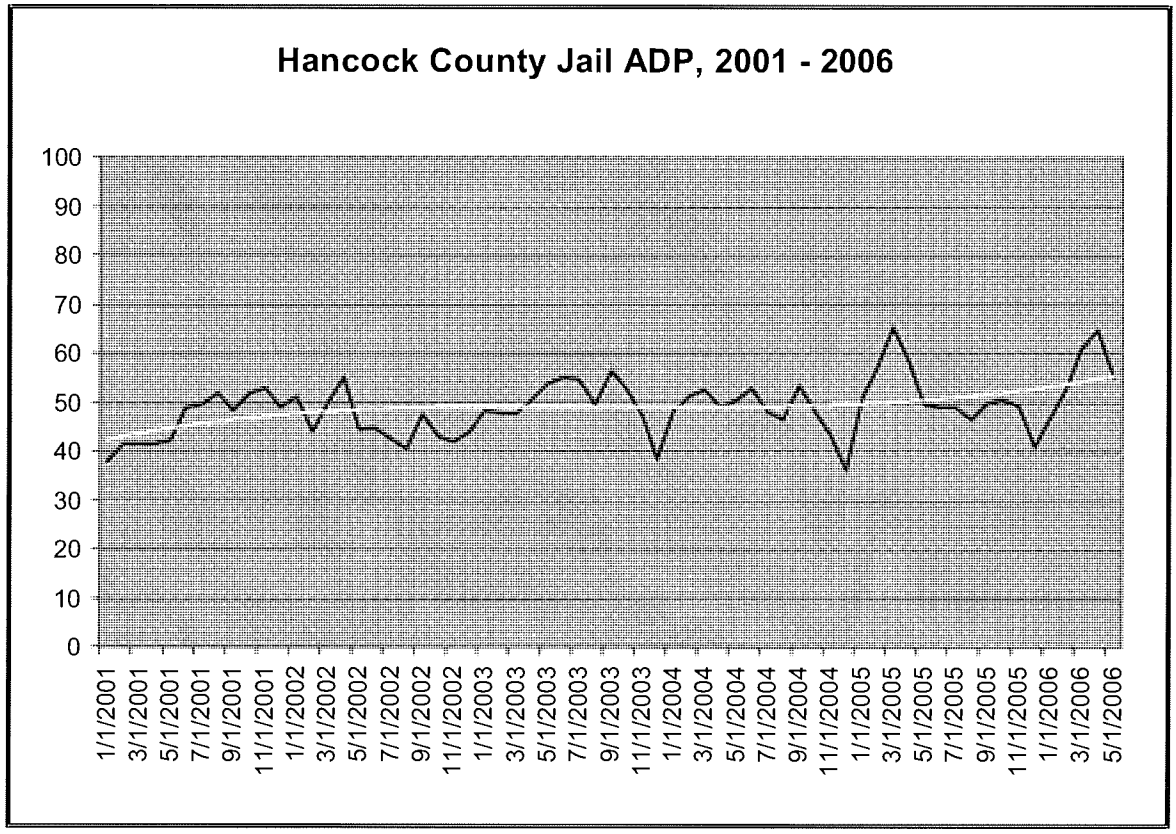
Reported Index Crimes 2004

Hancock County — ***January–December 2004***

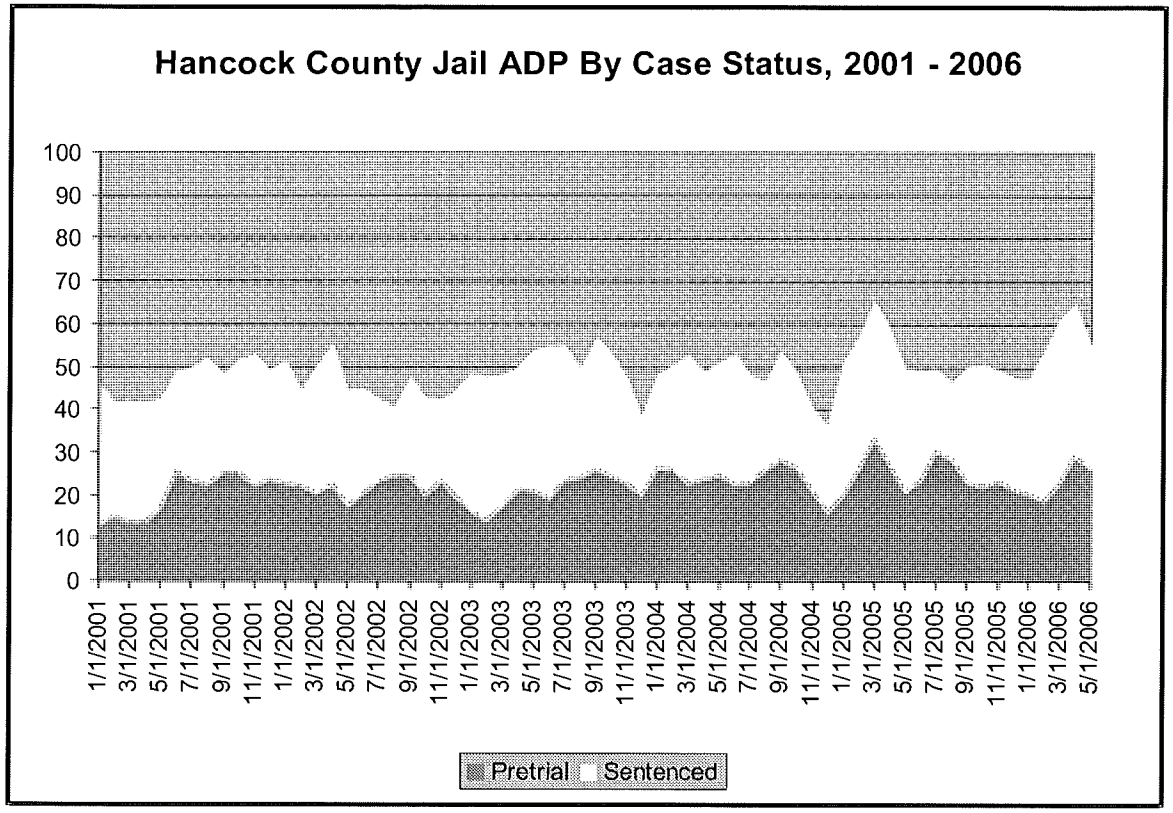
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Hancock SO	—	—	—	—	1	6	78	185	16	—	286	36.4
Bar Harbor	5,030	18.69	—	—	—	5	7	78	4	—	94	27.7
Ellsworth	6,844	54.06	1	—	1	8	51	296	13	—	370	49.7
Bucksport	4,980	22.29	—	—	1	7	21	76	3	3	111	18.9
Mount Desert Island	2,160	18.06	—	—	—	1	3	30	5	—	39	10.3
Southwest Harbor	1,988	30.18	—	—	—	1	12	46	1	—	60	10.0
Gouldsboro	2,012	9.94	—	—	—	—	15	3	2	—	20	15.0
Swan's Island	322	0.00	—	—	—	—	—	—	—	—	0	0.0
Winter Harbor	981	9.17	—	—	—	—	1	8	—	—	9	22.2
Hancock SP	—	—	—	—	1	2	50	153	11	—	217	14.3
Hancock County Totals	**53,258**	**22.64**	**1**	**—**	**4**	**30**	**238**	**875**	**55**	**3**	**1,206**	**31.6**
Total Urban Areas	**24,317**	**28.91**	**1**	**—**	**2**	**22**	**110**	**537**	**28**	**3**	**703**	**35.0**
Total Rural Areas	**28,941**	**17.38**	**—**	**—**	**2**	**8**	**128**	**338**	**27**	**—**	**503**	**26.8**

COUNTY JAIL

The Hancock County jail is located in the County seat of Ellsworth. The jail has a rated capacity of 54. The Hancock County Jail's average daily population of inmates held in custody has steadily increased during the 64 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 46 in 2002 to a high of 56 so far in 2006. Over the time span of this analysis, the increase in the average daily population is 20%. The chart below shows a fairly clear slow and steadily increasing trend. The mix of inmates by gender has held steady with the percentage of female inmates fluctuating between 11% and 14% during this analysis.

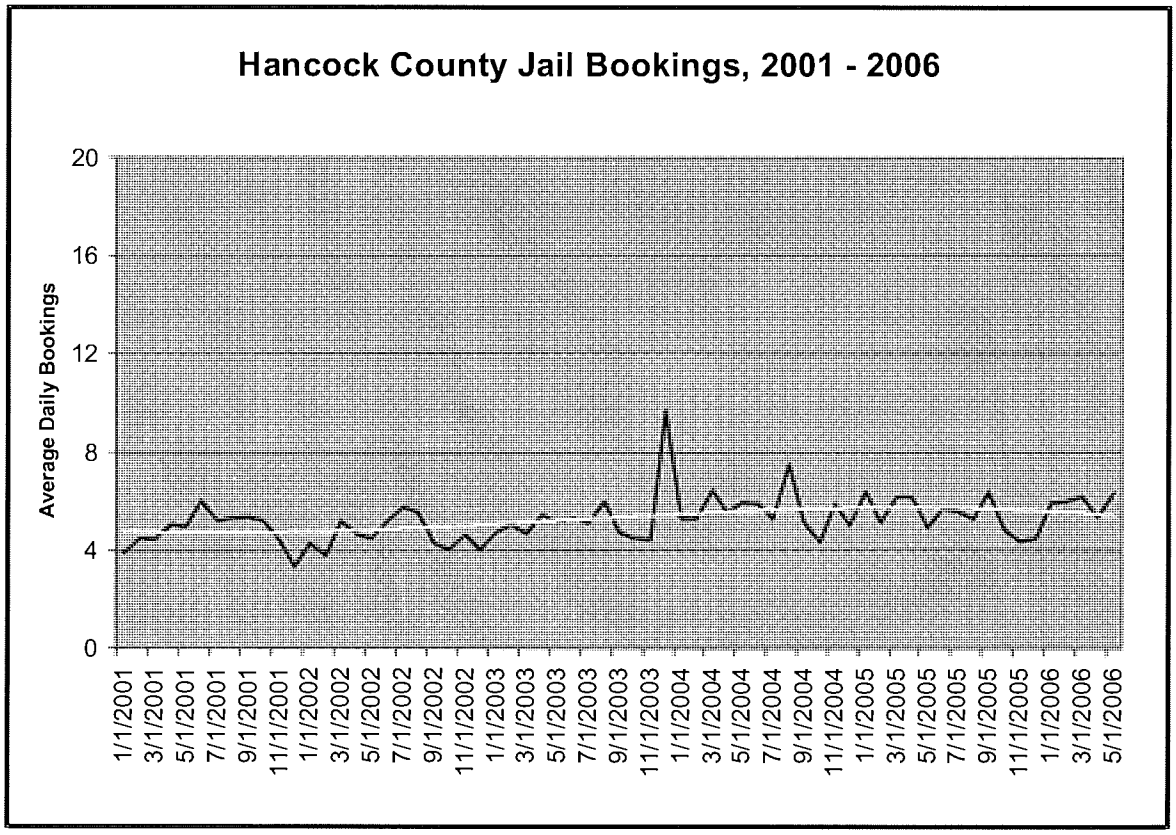


The percentage of inmates who are pending trial (pretrial) in Hancock County has fluctuated between a low of 42% during the first 5 months of 2006 and a high of 50% in 2005. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



The number of inmates from other counties boarded at the Hancock County jail range from a low of approximately 5 inmates in 2002 to a high of 11 in 2001. The typical number is about 8, which is the average daily number thus far in 2006. Inmates who are boarded out to other jails range from a low of 1.5 in 2003 and 2005 to a peak of 3.3 for 2006 year to date.

Bookings have increased over 23% from 2001 through the first 4 months of 2006. However, due to the relatively small number of bookings per day, an increase of one arrestee on average would represent a large increase. Specifically, in 2001, just fewer than 5 inmates were booked into the Hancock County jail per day. So far in 2006, approximately 6 inmates are booked each day. This increase provides a solid explanation for the slow and steady increase in the daily population during this time. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Hancock County is in the 7th court region along with Washington County. The County has one District Court and one Superior Court; both located in Ellsworth. It should be noted that the Bar Harbor District Court was closed in 2005. The District Courts had a total of 5,818 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 739 criminal cases pending in the Ellsworth District Court. During the first half of 2006 there were 951 criminal case filings and 1,131 criminal case dispositions for a clearance rate of 118.9%. The clearance rate is above the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 2,308 criminal cases in an average of 111 days. The average of 111 days for case disposition ranks 16th out of 16 Counties.

The District Court oversees seven (7) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Hancock Superior Court has one Justice (not necessarily the same Justice) assigned to the Court for nine (9) months out of the year. In 2005, there were a total of 465 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 210 criminal cases pending in the Hancock Superior Court. During the first half of 2006 there were 228 criminal case filings and 209 criminal case dispositions for a clearance rate of 91.7%. The clearance rate of 91.7% is slightly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 335 criminal cases in an average of 199 days. The average of 199 days for case disposition ranks 12th out of 16 Superior Courts.

Hancock County operates a Deferred Sentencing Project (DSP). The DSP is a special, Court-ordered rehabilitation program for selected, non-violent defendants with significant substance abuse problems. The DPS is closely modeled after Maine's Adult Drug Treatment Court. The Deferred Sentencing Project involves a number of criminal justice, county government, and community resources. In 2005 there were 44 referrals and 8 admissions into the program. As of June 30, 2006, there were 15 people participating in the DSP.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 7th prosecutorial district and serves the Counties of Hancock and Washington. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Hancock County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Hancock County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Hancock County on a quarterly basis.

PRETRIAL SERVICES

Hancock County is not served by a pretrial services program.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Hancock County is a part of probation region four along with Aroostook, Penobscot, Piscataquis, and Washington Counties. As of August 28, 2006, there were 212 active offenders under supervision in this county.

Kennebec County, incorporated in 1799, is located inland in Southern Maine. The County is 868 square miles with an estimated population of 117,114 according to the 2005 U.S. Census population estimates. With 29 cities, towns, and townships, including the state capital of Augusta, Kennebec is the 4th largest populated County. In addition, Kennebec County is the 10th largest based on square miles and is the 5th most densely populated county with a population density of 135 persons per square mile.

LAW ENFORCEMENT

There are 10 law enforcement agencies in the County in addition to the State law enforcement agencies These 10 agencies employ an estimated 142 full-time sworn law enforcement officers representing a ratio of 1.2 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Kennebec County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 5,682 arrests made in 2004 (4,848 adult and 834 juvenile). Waterville PD had the highest volume of arrests (1,521), followed by Augusta PD (1,399), and Kennebec County SO (922). Reported Index Crimes totaled 3,193 in 2004 and are provided in the chart below. The County crime rate for 2004 was 26.45. This rate is higher than the 2004 statewide average of 25.28.

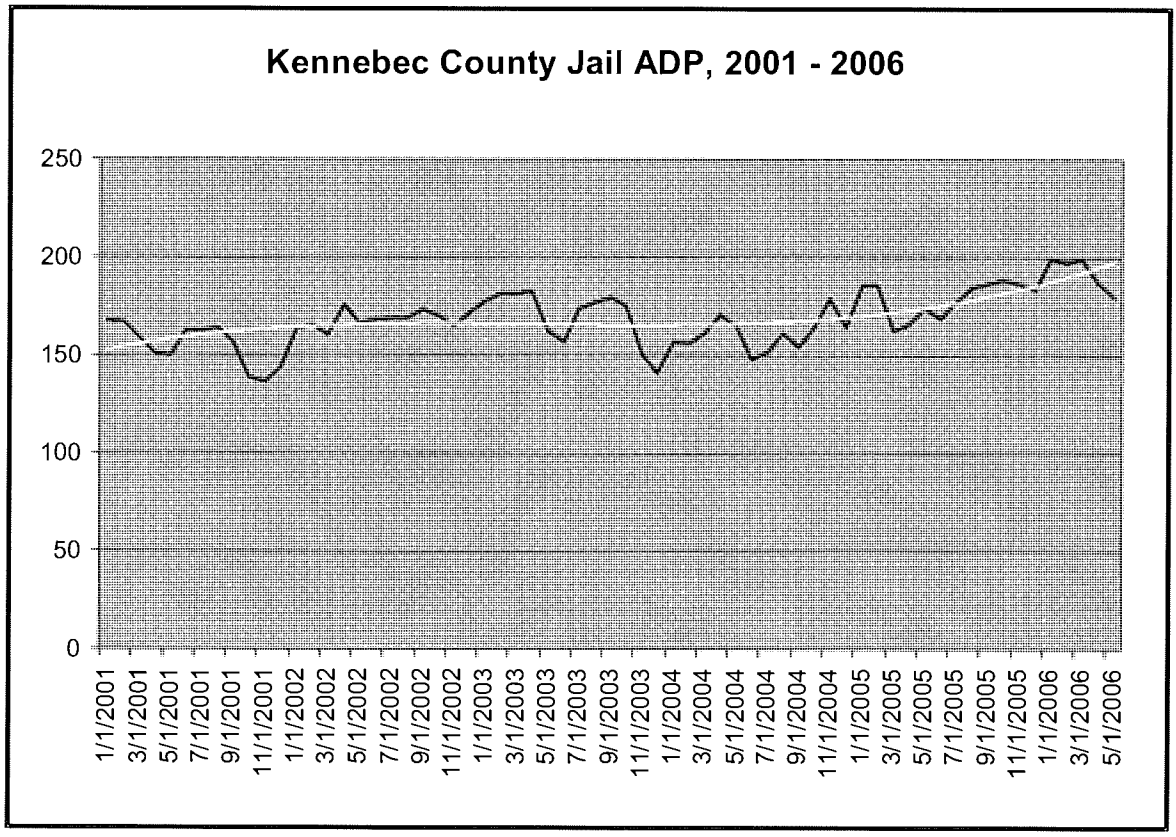
Reported Index Crimes 2004

Kennebec County — ***January–December 2004***

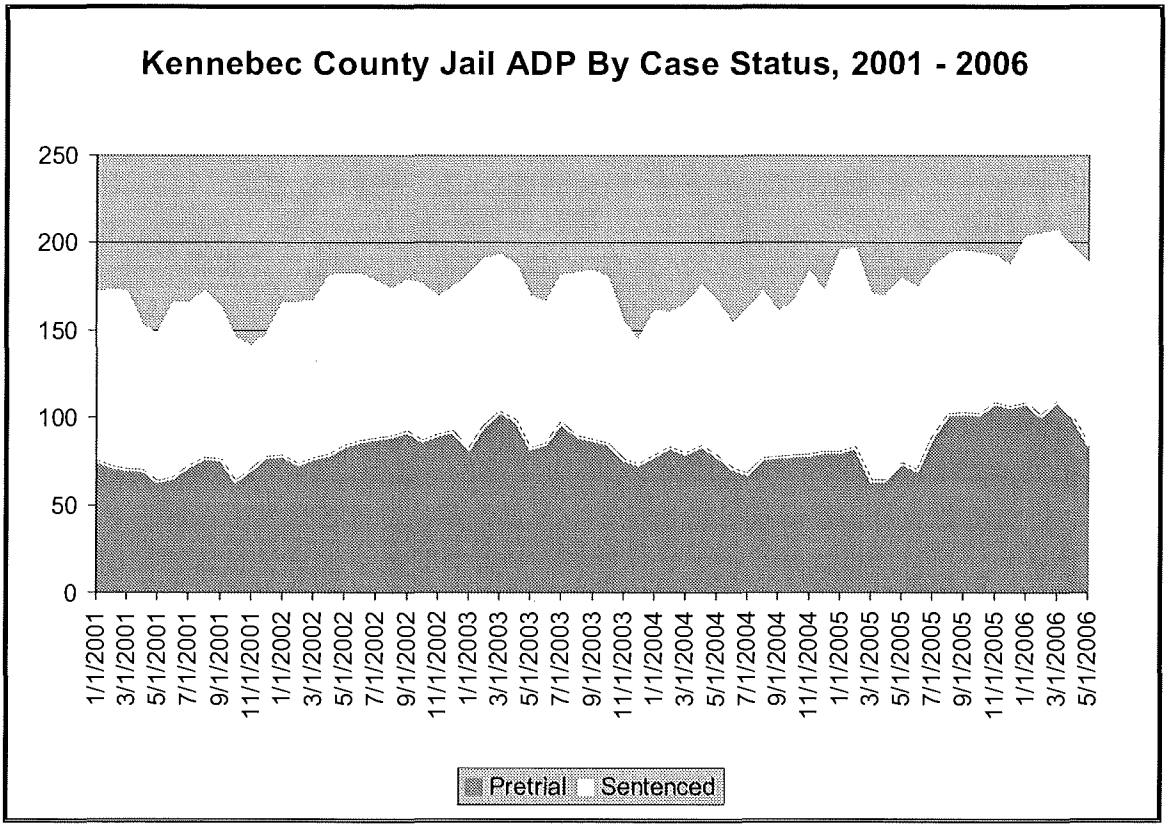
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Kennebec SO	—	—	—	3	2	2	120	279	14	2	422	26.8
Augusta	18,782	58.57	—	8	13	16	154	871	23	15	1,100	44.1
Gardiner	6,264	27.62	—	—	3	1	24	140	5	—	173	37.0
Hallowell	2,489	26.92	—	—	—	3	12	50	2	—	67	22.4
Waterville	15,897	39.32	—	5	2	7	88	489	29	5	625	28.2
Oakland	6,150	22.28	—	2	1	3	26	97	6	2	137	39.4
Monmouth	3,841	3.91	—	3	—	—	5	6	1	—	15	66.7
Winslow	7,978	23.69	—	4	—	1	39	140	5	—	189	9.0
Winthrop	6,450	15.04	—	5	—	1	29	59	3	—	97	39.2
Clinton	3,433	15.44	—	1	—	3	8	41	—	—	53	18.9
Kennebec SP	—	—	1	1	2	9	96	190	14	2	315	34.0
Kennebec County Totals	**120,739**	**26.45**	**1**	**32**	**23**	**46**	**601**	**2,362**	**102**	**26**	**3,193**	**34.1**
Total Urban Areas	**71,284**	**34.45**	**—**	**28**	**19**	**35**	**385**	**1,893**	**74**	**22**	**2,456**	**35.4**
Total Rural Areas	**49,455**	**14.90**	**1**	**4**	**4**	**11**	**216**	**469**	**28**	**4**	**737**	**29.9**

COUNTY JAILS

The Kennebec County jail is located in the County seat of Augusta. The jail has a rated capacity of 170. The Kennebec County Jail's average daily population of inmates held in custody has consistently increased during the 64 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 155 in 2001 to a high of 193 so far in 2006, representing a 23% increase during that time. The mix of inmates by gender has held steady with the percentage of female inmates remaining at near 12% for the last 4 years.

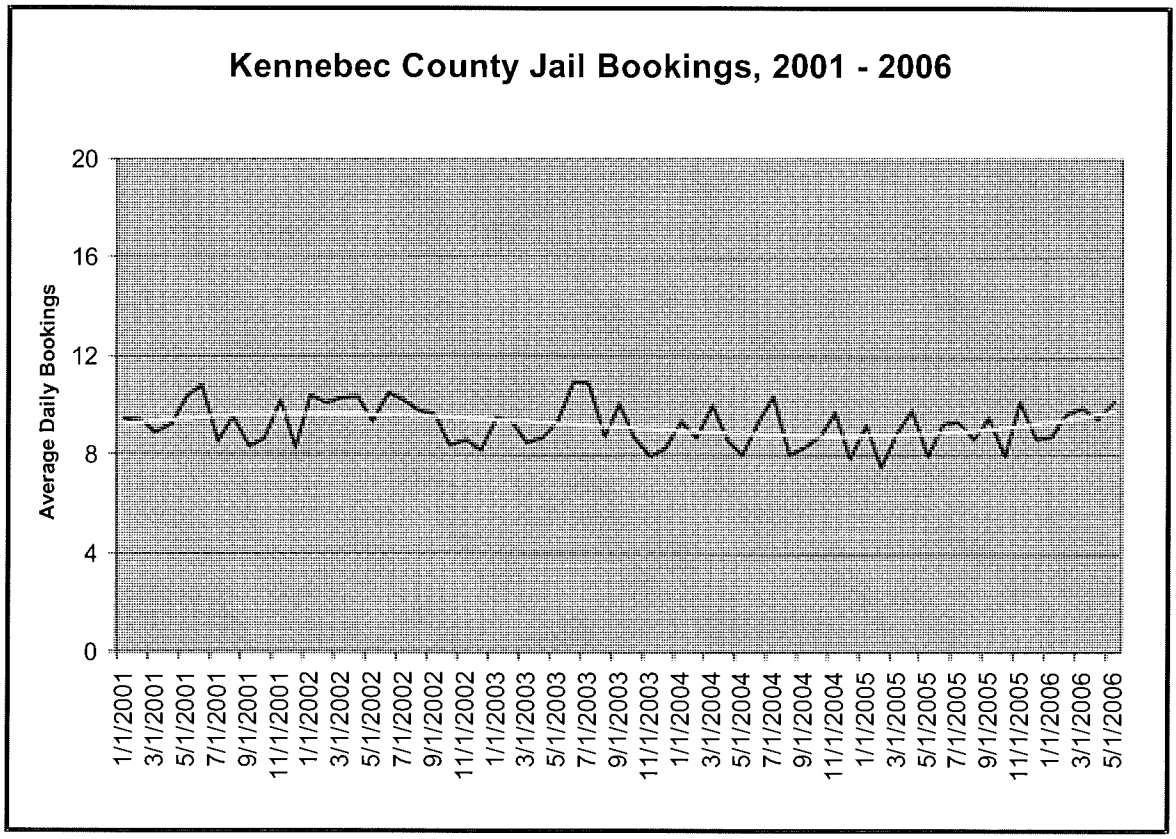


The percentage of inmates who are pending trial (pretrial) in Kennebec County has steadily grown between 2001 and 2006. In 2001, 44% of the inmates held were pending trial. Thus far in 2006, 50% are pending trial. The pending trial population of the Kennebec County jail remains significantly below the statewide average of 63%. Slight increases occur each year between 2001 and 2006 and the trend mirrors the increase noted for the average daily population. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



In 2001, the Kennebec County jail held 33 inmates on an average daily basis from other jails. This number plummeted in 2003 and then again in 2004. So far in 2006, only 4 inmates per day are boarders from other jurisdictions. Meanwhile, the number of inmates boarded out to other counties is insignificant throughout this analysis.

Bookings into the Kennebec County jail have stayed fairly stable between 2001 and 2006. For each year, the daily average number of bookings is about 9 with little variation. Of those 9 daily bookings, females are capturing a larger share now than in the past. In 2001, 15% of arrestees were female. By 2006, over 20% are female. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Kennebec County is in the 4th court region along with Somerset County. The County has two District Courts located in Augusta and Waterville and one Superior Court in Augusta. The District Courts had a total of 13,113 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 931 criminal cases pending in the Kennebec County District Courts. During the first half of 2006 there were 2,708 criminal case filings and 3,253 criminal case dispositions for a clearance rate of 120.1% (Augusta – 128.7% and Waterville – 112.1%). The average clearance rate is above the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 6,218 criminal cases in an average of 105.5 days. The average of 105.5 days for case disposition ranks 14th out of 16 Counties.

The District Court oversees eight (8) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Kennebec Superior Court has two (2) Justices assigned to the Court for 6 months and one (1) assigned for 6 months. In 2005, there were a total of 1,166 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 418 criminal cases pending in the Kennebec Superior Court. During the first half of 2006 there were 708 criminal case filings and 535 criminal case dispositions for a clearance rate of 75.6%. The clearance rate is below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 837 criminal cases in an average of 108 days. The average of 108 days for case disposition ranks 2nd out of 16 Superior Courts.

In June of 2005, the Superior Court of Kennebec County established the state's first Co-occurring Disorders Court. This pilot program seeks to serve those defendants/offenders diagnosed with both mental illness and substance abuse issues. The court has adopted a case-by-case approach to admissions, accepting individuals with both misdemeanor and felony charges. This problem solving court involves a partnership between the Kennebec County Superior Court, Kennebec County DA's Office, Crisis and Counseling Services, and MPS. During the first year of operation there were 90 referrals to the program. As of June 30, 2006, there were 18 people participating in the program. Due to the newness of the program there were not any completions as of June 30, 2006.

All Kennebec County Courts are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 4th prosecutorial district and serves Kennebec and Somerset Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a

Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Kennebec County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Kennebec County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Kennebec County approximately 7 or 8 times a year as needed.

PRETRIAL SERVICES

A Pretrial Services program was started in Kennebec County in February, 2006 by Maine Pretrial Services consisting of one full-time staff person. The program has been operational for less than 6 months; therefore, program statistics are not yet available.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Kennebec County is a part of probation region three along with Somerset, Franklin, and Knox Counties. As of August 28, 2006, there were 974 active offenders under supervision in this county.

Knox County, incorporated in 1860, is located in mid-coast Maine. The County is 366 square miles with an estimated population of 41,219 according to the 2005 U.S. Census population estimates. With 18 cities, towns, and townships, including the county seat of Rockland, Knox is the 10th most populated County. In addition, Knox County is the 2nd smallest based on square miles and is the 6th most densely populated county with a population density of 108 persons per square mile.

LAW ENFORCEMENT

There are five law enforcement agencies in the County in addition to the State Police, Maine Drug Enforcement Agency, Department of Inland Fisheries & Wildlife, and the Department of Marine Patrol. These five agencies employ an estimated 59 full-time sworn law enforcement officers representing a ratio of 1.4 officers per 1,000 residents. This rate is less than the statewide average of 1.7. The Knox County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

Detailed arrest statistics for 2005 have not been released by the Maine Department of Public Safety as of this writing; therefore, the most recent published crime and arrest data is from 2004 and is reported here. There were 2,375 arrests made in 2004 (1,963 adult and 412 juvenile). Rockland Police Department had the highest volume of arrests (991), followed by Knox County Sheriff's Office (591) and Thomaston Police Department (258).

Reported Index Crimes totaled 992 in 2004 as can be seen in the chart below. Index Crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Crime rates are based on the occurrence of an Index Crime per 1,000 residents of the state. The County crime rate for 2004 was 24.34. This rate is lower than the 2004 statewide average of 25.28.

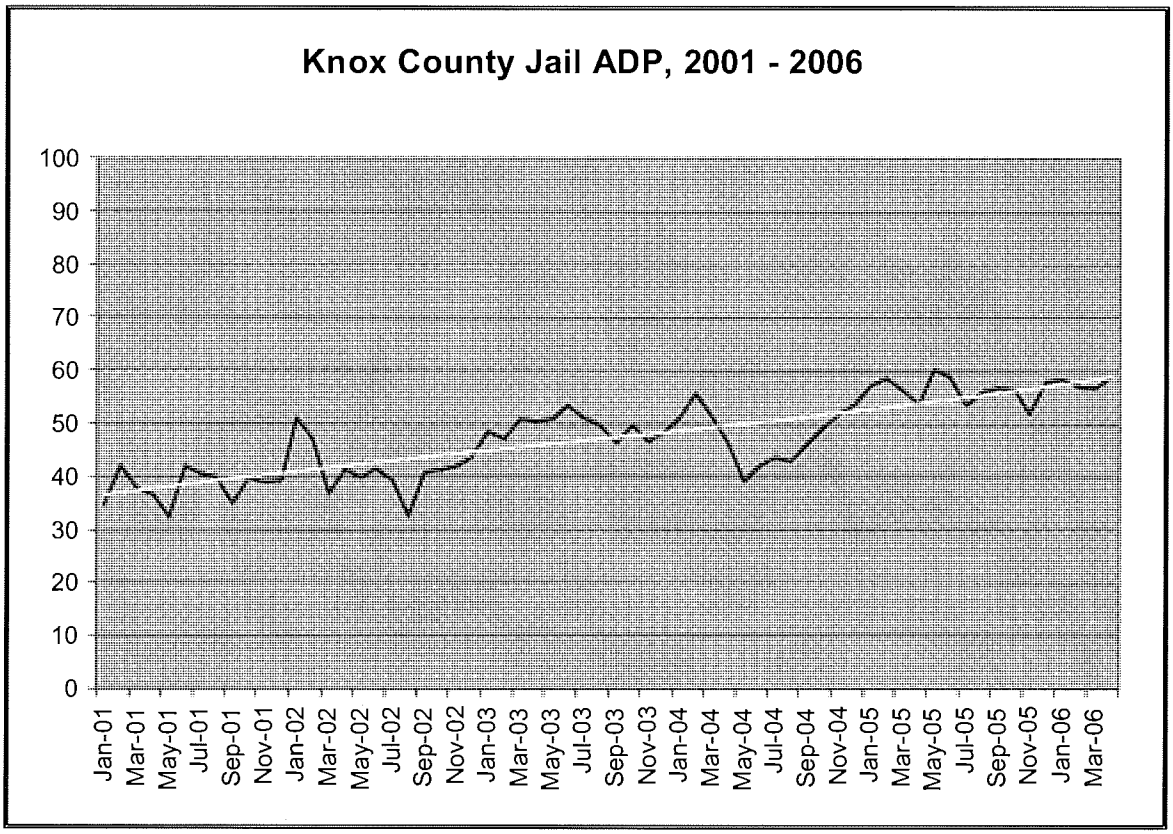
Reported Index Crimes 2004

Knox County — ***January–December 2004***

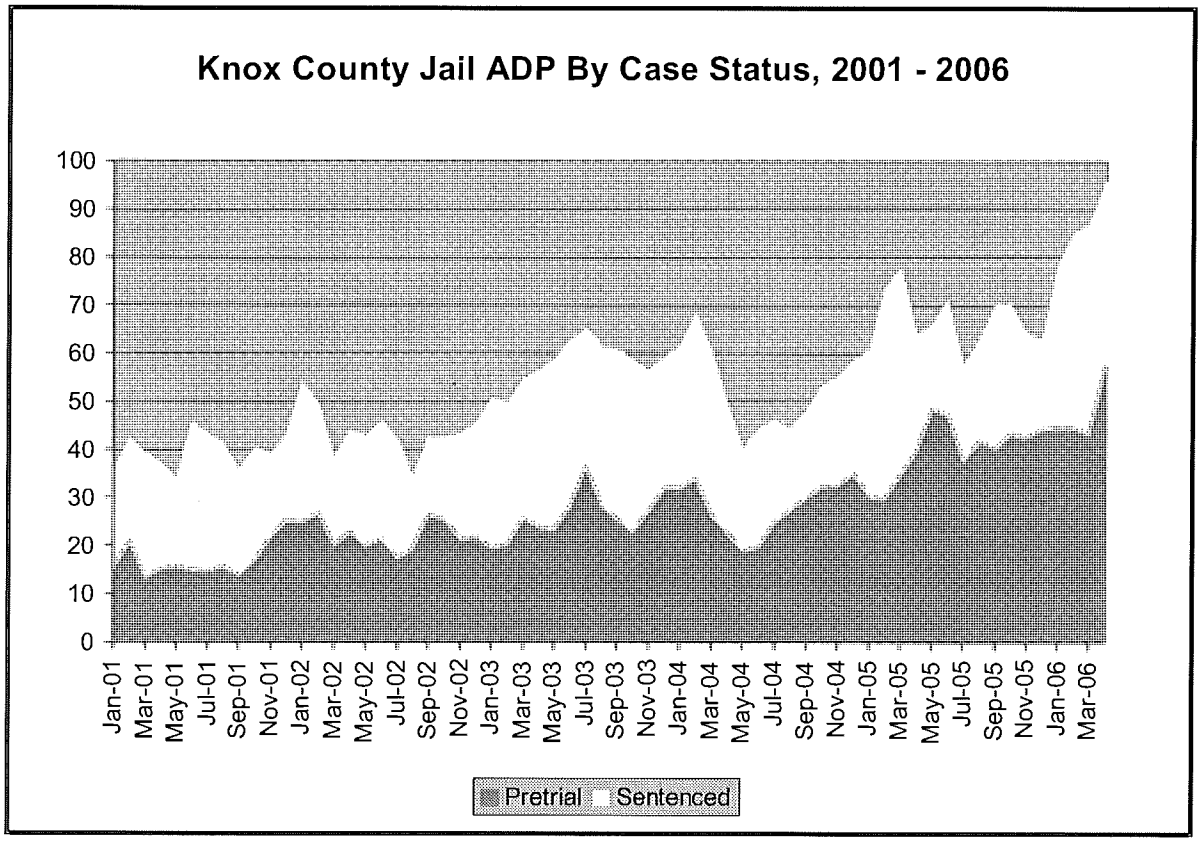
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Knox SO	—	—	—	2	—	8	48	119	8	—	185	27.0
Camden	5,401	15.92	—	—	—	1	10	73	2	—	86	30.2
Rockland	7,680	70.70	—	6	—	13	43	464	12	5	543	41.3
Thomaston	3,759	17.03	—	—	1	1	11	49	2	—	64	43.8
Rockport	3,414	11.72	—	—	—	—	4	36	—	—	40	17.5
Knox SP	—	—	—	—	—	2	12	56	4	—	74	21.6
Knox County Totals	**40,763**	**24.34**	**—**	**8**	**1**	**25**	**128**	**797**	**28**	**5**	**992**	**35.4**
Total Urban Areas	**20,254**	**36.19**	**—**	**6**	**1**	**15**	**68**	**622**	**16**	**5**	**733**	**38.9**
Total Rural Areas	**20,509**	**12.63**	**—**	**2**	**—**	**10**	**60**	**175**	**12**	**—**	**259**	**25.5**

COUNTY JAIL

The Knox County jail is located in the County seat of Rockland. The jail has a rated capacity of 55. As can be seen in the chart below, the Knox County Jail's average daily population of inmates held in custody has consistently increased since 2001. The annual average daily population of inmates held in custody was 38 in 2001. With increases nearly every year since, through 4 months of 2006, the average daily population is nearly 58, representing a 44% increase from 2001. The mix of inmates by gender fluctuates from year to year with the percentage of female inmates ranging from 11% and 17% during this analysis.

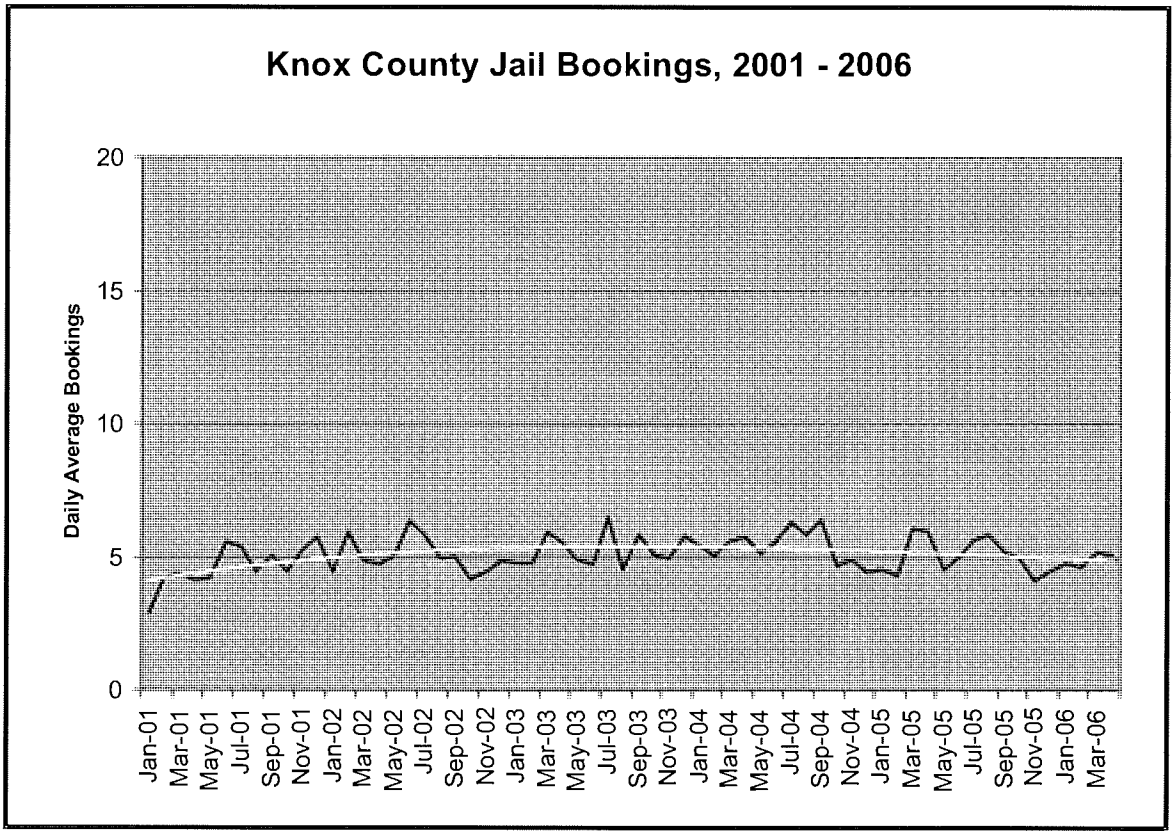


The percentage of inmates who are pending trial (pretrial) in Knox County has averaged 51% during this analysis. From 2001 to 2003, the percentage was just below this average. In 2005 and 2006, the percentage of pretrial inmates has been just above this average. The chart that follows depicts the average daily population by case status trends from 2001 through the end of April 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



The number of inmates boarded in from other counties dropped to near zero in 2002. Further, as the jail's population has grown, the number of inmates from Knox County boarded in other facilities has increased from nearly zero in 2001 to over 25 inmates on an average daily basis thus far in 2006.

Despite the steadily increasing population trend, which would frequently points to an increase in bookings, the number of inmates booked into the Knox County jail has averaged about 5 per day throughout the analysis. As the following chart attests, the level of bookings is remarkably consistent between 2001 and 2006. Similarly, the percentage of females being booked into the jail is also fairly consistent with four out of five bookings involving males. The following chart shows the bookings trend between 2001 and 2006.



DISTRICT AND SUPERIOR COURTS

Knox County is in the 6th court region along with Lincoln, Sagadahoc, and Waldo Counties. The County has one District Court and one Superior Court located in Rockland. The Rockland District Court had a total of 3,738 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 213 criminal cases pending in the Rockland District Court. During the first half of 2006 there were 735 criminal case filings and 844 criminal case dispositions for a clearance rate of 114.8%. The clearance rate is significantly higher than the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 1,828 criminal cases in an average of 85 days. The average of 85 days for case disposition ranks 8th out of 16 Counties.

The District Court oversees five (5) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Knox Superior Court has one Justice (not necessarily the same Justice) assigned six months out of the year. In 2005, there were a total of 698 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 214 criminal cases pending in the Knox Superior Court. During the first half of 2006 there were 260 criminal case filings and 278 criminal case dispositions for a clearance rate of 106.9%. The clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 583 criminal cases in an average of 153 days. The average of 153 days for case disposition ranks 8th out of 16 Superior Courts.

All courts in Knox County are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 6th prosecutorial district. The 6th prosecutorial district serves Knox, Lincoln, Sagadahoc, and Waldo Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Knox County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Knox County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Knox County on a quarterly basis.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to Knox County since 2004. The program is funded by the County and is supplemented by supervision fees of $25, which are one time fees charged to defendants who are not indigent and for whom drug testing is ordered as a condition of release. One full time staff provides services which include paper file reviews for all detained defendants incarcerated at the Knox County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 195 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 59 defendants; 73% (43) of whom were also on probation supervision. Sixteen defendants had their bail revoked while under pretrial supervision as follows: 1 for failure to appear, 5 for alleged new criminal conduct, and 11 for technical violation (violations of conditions other than FTA and new alleged criminal conduct). As of June 30, 2006, there were 20 defendants under pretrial supervision.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Knox County is a part of probation region three along with Somerset, Franklin, and Kennebec Counties. As of August 28, 2006, there were 319 active offenders under supervision in this county.

Lincoln County, incorporated in 1760, is a coastal county in Maine. The County is 456 square miles with an estimated population of 35,240 according to the 2005 U.S. Census population estimates. With 20 cities, towns, and townships, including Wiscasset the County seat, Lincoln is the 3rd least populated County. In addition, Lincoln County is the 3rd smallest based on square miles and is the 7th most densely populated county with a population density of 74 persons per square mile.

LAW ENFORCEMENT

There are five (5) law enforcement agencies in the County in addition to the State law enforcement agencies. These 5 agencies employ an estimated 44 full-time sworn law enforcement officers representing a ratio of 1.3 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Communications Center/ 911 Dispatch serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 834 arrests made in 2004 (744 adult and 90 juvenile). Damariscotta PD had the highest volume of arrests (214), followed by Lincoln SO (200), and Boothbay Harbor PD (164). Reported Index Crimes totaled 541 in 2004 and are provided in the chart below. The County crime rate for 2004 was 15.44. This rate is significantly less than the 2004 statewide average of 25.28.

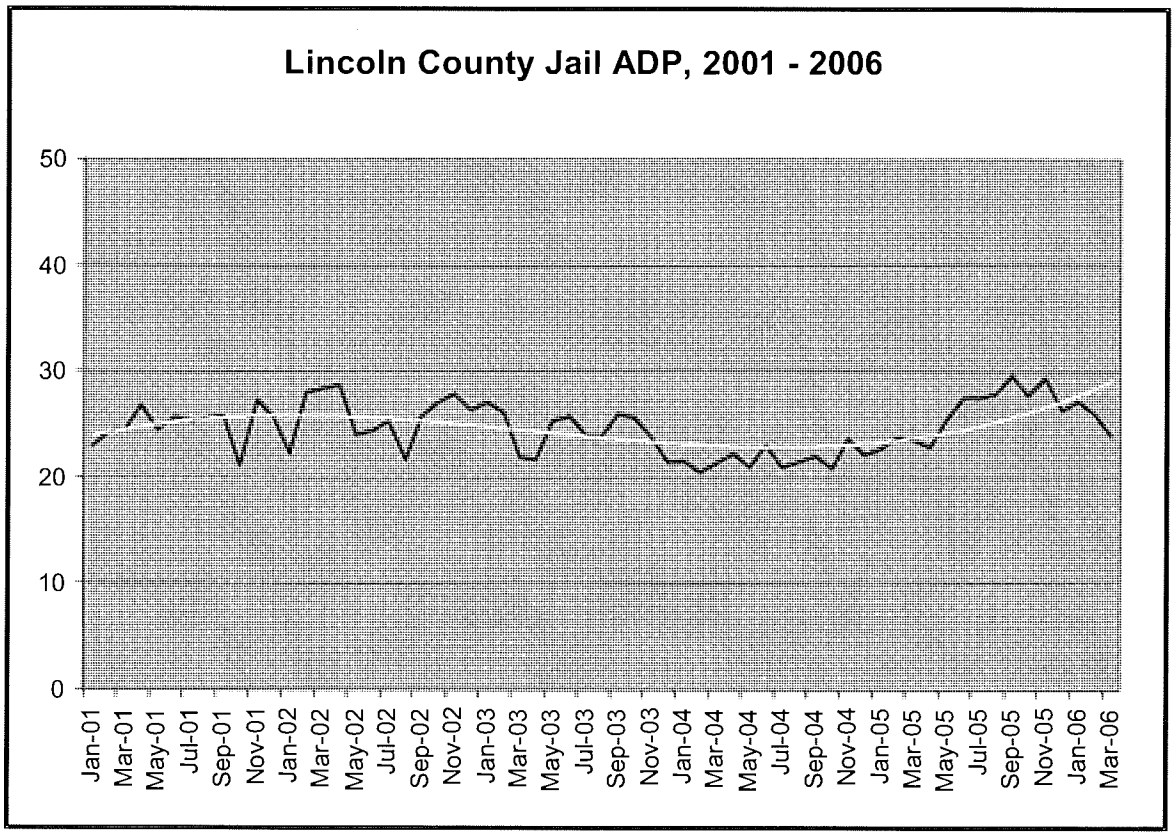
Reported Index Crimes 2004

Lincoln County — ***January–December 2004***

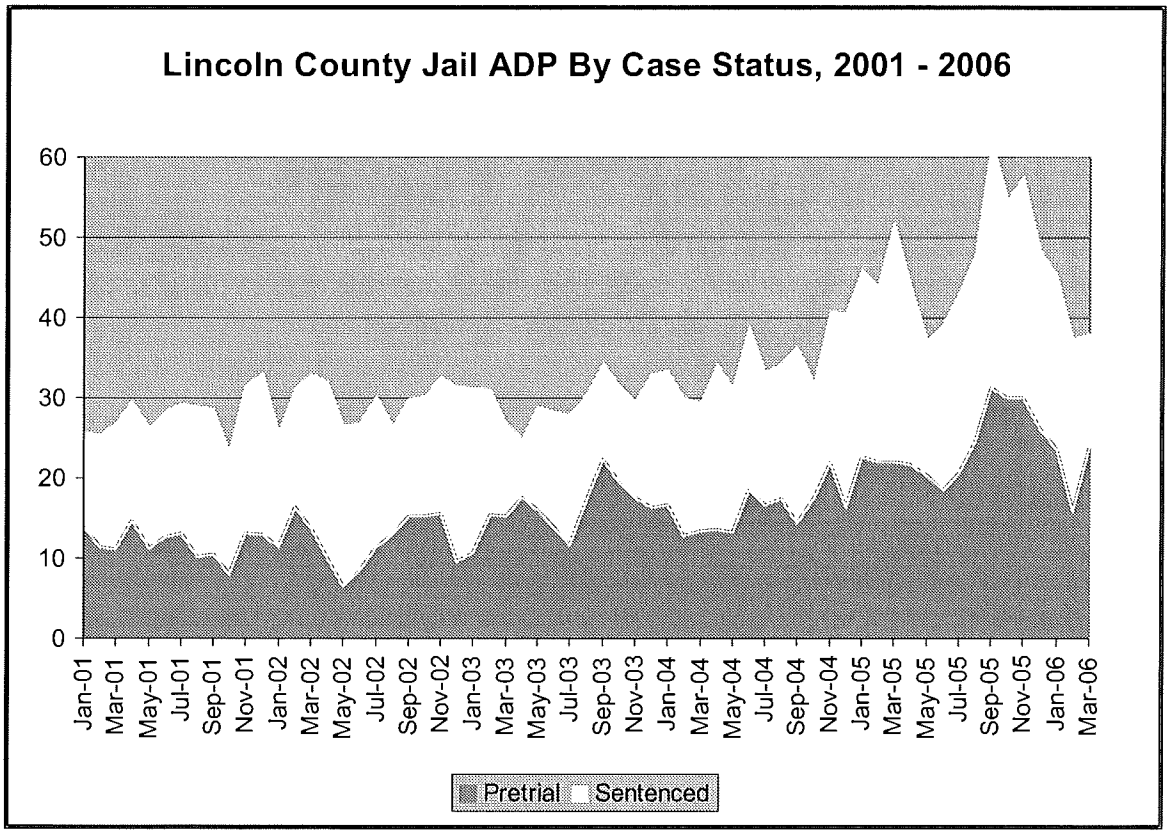
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Lincoln SO	—	—	—	1	1	1	35	159	9	—	206	73.8
Boothbay Harbor	2,359	35.18	2	—	—	3	17	57	4	—	83	48.2
Damariscotta	2,067	25.16	—	3	—	1	6	41	1	—	52	36.5
Waldoboro	5,034	22.84	1	—	—	—	11	94	9	—	115	32.2
Wiscasset	3,772	18.29	—	—	1	—	12	54	1	1	69	14.5
Lincoln SP	—	—	—	—	—	—	4	9	3	—	16	6.3
Lincoln County Totals	**35,036**	**15.44**	**3**	**4**	**2**	**5**	**85**	**414**	**27**	**1**	**541**	**47.9**
Total Urban Areas	**13,232**	**24.11**	**3**	**3**	**1**	**4**	**46**	**246**	**15**	**1**	**319**	**33.2**
Total Rural Areas	**21,804**	**10.18**	**—**	**1**	**1**	**1**	**39**	**168**	**12**	**—**	**222**	**68.9**

COUNTY JAILS

The Lincoln County jail is located in the County seat of Wiscasset. The jail, which is in the process of being closed in preparation for the opening of the Two Bridges Regional Jail, has a rated capacity of 21. With some notable fluctuations, the Lincoln County jail's average daily population is relatively consistently around 25 inmates. Since 2001, the number of inmates in custody has been very close to this average. The population did decrease by about 10% in 2004, but this was followed by a 20% increase in 2005. Due to the somewhat small number of inmates being held, relatively minor changes in the actual number of inmates can often represent very large changes in terms of percentages. In addition, females comprise between 2% and 10% of the jail's population during this analysis.

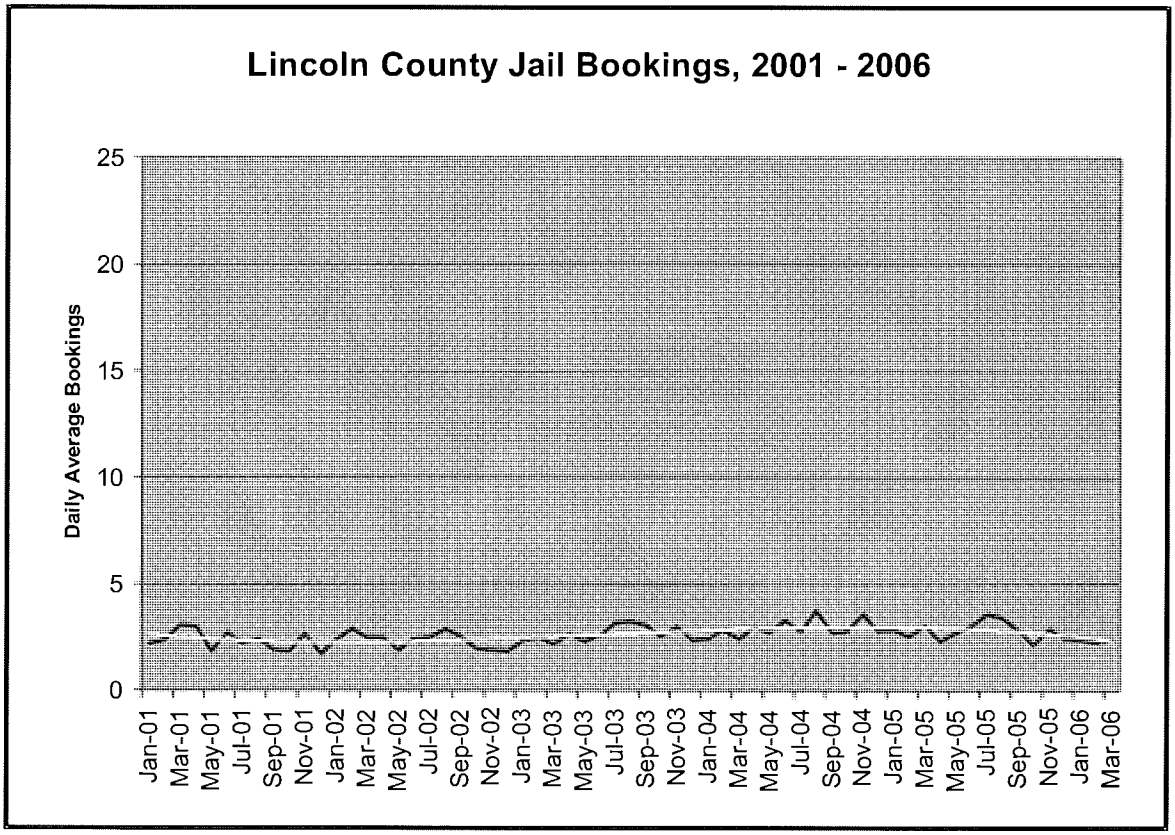


The percentage of inmates who are pending trial (pretrial) in Lincoln County varies from year to year between a low of 42% in 2002 and 54% in 2003. Over time, the average of pretrial inmates is approximately 48%; significantly less that the statewide average of 63%. The chart that follows depicts the average daily population by case status trends from 2001 through the end of March 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



Lincoln County has held almost no inmates for other counties between 2001 and 2006. However, the number of inmates boarded out to other county facilities appears to be increasing. In 2001 and 2002, the daily average was less than 1 per day. The number increased in 2003, 2004, and 2005 such that by the end of 2005, more than 13 inmates per day were held in other jurisdictions.

As the following chart attests, the number of inmates booked into the Lincoln County jail has remained steady throughout this analysis, with approximately 2 inmates being booked per day. Sometimes the average creeps close to 3, but overall the trend is flat. Similarly, the proportion of females being booked is also consistent with around 19% of all arrestees being female. The following chart shows the bookings trend between 2001 and March 2006.



DISTRICT AND SUPERIOR COURTS

Lincoln County is in the 6th court region along with Knox, Sagadahoc, and Waldo Counties. The County has one District Court and one Superior Court located in Wiscasset. The District Court had a total of 2,417 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 183 criminal cases pending in the Wiscasset District Court. During the first half of 2006 there were 443 criminal case filings and 449 criminal case dispositions for a clearance rate of 101.4%. The average clearance rate is below the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 1,043 criminal cases in an average of 88 days. The average of 88 days for case disposition ranks 10th out of 16 Counties.

The District Court oversees five (5) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Lincoln Superior Court has one Justice (not necessarily the same Justice) assigned to the Court for five months out of the year. In 2005, there were a total of 421 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 181 criminal cases pending in the Lincoln Superior Court. During the first half of 2006 there were 187 criminal case filings and 136 criminal case dispositions for a clearance rate of 72.7%. The clearance rate is below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 255 criminal cases in an average of 157 days. The average of 157 days for case disposition ranks 9th out of 16 Superior Courts.

All Lincoln County Courts are served by a financial screener. The financial screener assists the Courts with determining court appointed attorney eligibility by completing the following: review and evaluate written requests for court appointed counsel, interview defendants in jails and court locations to determine completeness and accuracy of written requests, and prepare recommendations to the presiding Judge or Justice as to the defendant's indigency.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 6th prosecutorial district and serves Knox, Lincoln, Sagadahoc, and Waldo Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Lincoln County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Lincoln County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Lincoln County on a quarterly basis.

PRETRIAL SERVICES

Volunteers of America Northern New England has been providing pretrial services to Lincoln County since 2003. The program is funded by the County and supplemented by supervision fees. Supervision fees are determined by a sliding scale based on the defendant's ability to pay and range from $2 to $10 per week. One full time staff provides services which include screening of defendants in custody, case reviews of detained defendants, and supervision for defendants released to the community pending trial when ordered by the Court. During 2005 VOANNE provided pretrial supervision for 44 defendants; 17 (39%) of whom were also on probation supervision. Nine defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 4 for alleged new criminal conduct, and 5 for technical violations (violations of conditions other than FTA and new alleged criminal conduct). As of August 31, 2006, there were 17 defendants under pretrial supervision in Lincoln County.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Lincoln County is a part of probation region two along with Oxford, Androscoggin, and Sagadahoc Counties. As of August 28, 2006, there were 228 active offenders under supervision in this county.

Oxford County, incorporated in 1805, is located on the Western edge of Maine and boarders New Hampshire. The County is 2,078 square miles with an estimated population of 56,628 according to the 2005 U.S. Census population estimates. With 36 cities, towns, and townships, including South Paris the county seat, Oxford is the 7th most populated County. In addition, Oxford County is the 6th largest based on square miles and is the 11th most densely populated county with a population density of 26 persons per square mile.

LAW ENFORCEMENT

There are nine (9) law enforcement agencies in the County in addition to the State Police, Maine Drug Enforcement Agency, Department of Inland Fisheries & Wildlife, and the Department of Marine Patrol. These 9 agencies employ an estimated 60 full-time sworn law enforcement officers representing a ratio of 1.1 officers per 1,000 residents. This rate is less than the statewide average of 1.7. The Oxford County Regional Communications Center (RCC) serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1,792 arrests made in 2004 (1,535 adult and 257 juvenile). Norway Police Department had the highest volume of arrests (368), followed by Paris Police Department (266) and Rumford Police Department (248).

Reported Index Crimes totaled 1,265 in 2004 as can be seen in the chart below. Index Crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Crime rates are based on the occurrence of an Index Crime per 1,000 residents of the state. The County crime rate for 2004 was 22.33. This rate is lower than the 2004 statewide average of 25.28.

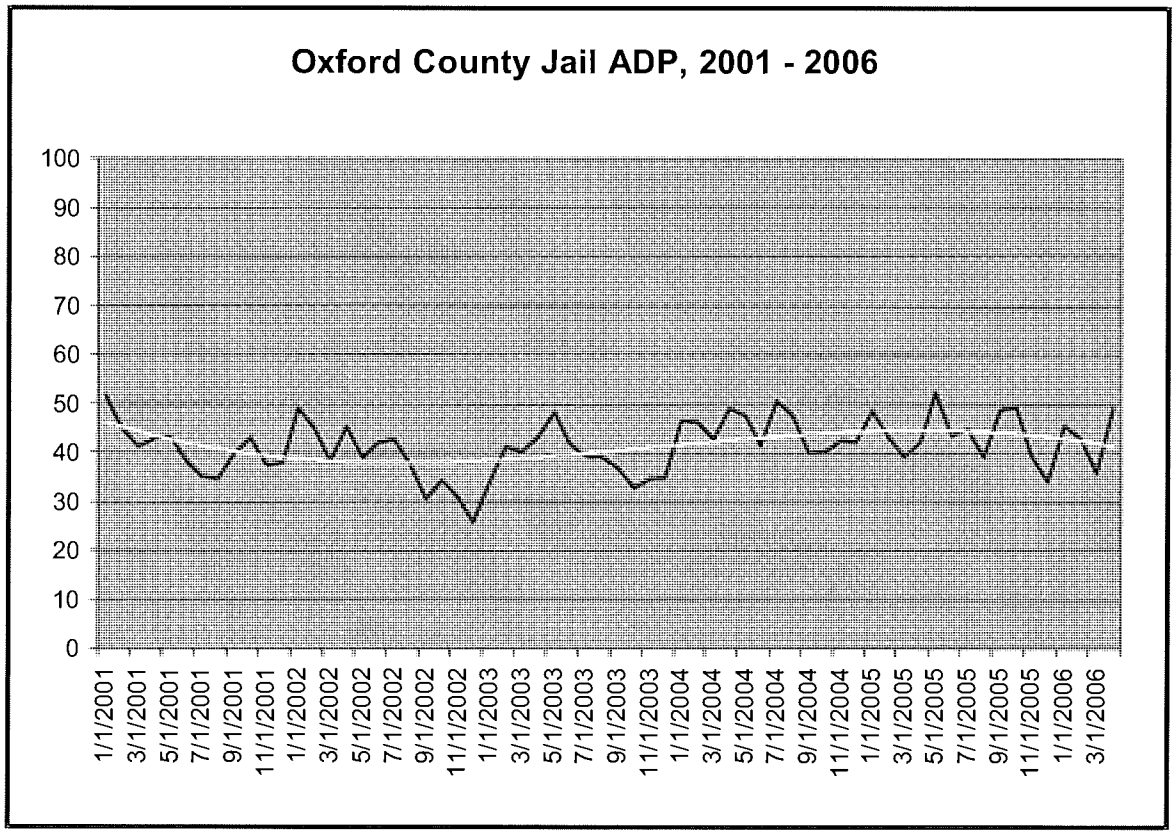
Reported Index Crimes 2004

Oxford County — ***January–December 2004***

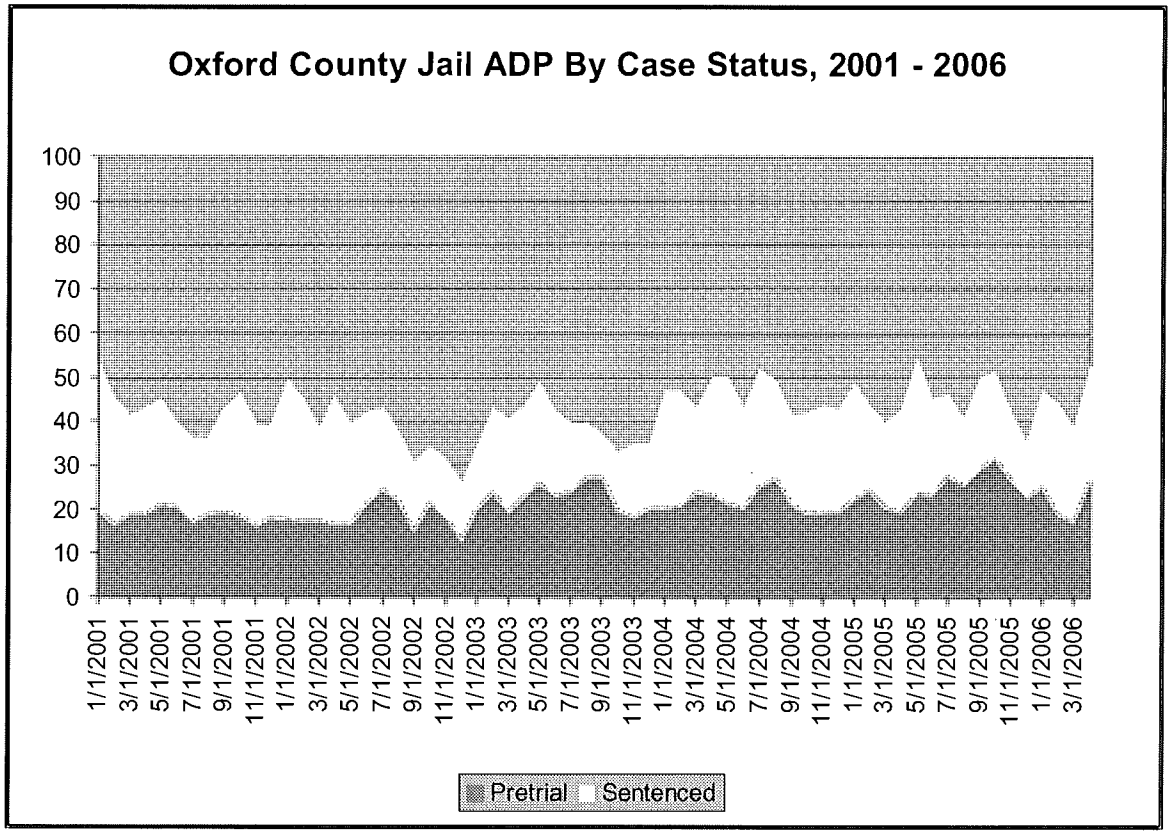
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Oxford SO	—	—	—	7	—	5	108	129	19	—	268	14.6
Rumford	6,506	46.73	—	5	—	6	40	248	4	1	304	23.7
Dixfield	2,567	15.19	1	—	—	—	17	17	2	2	39	12.8
Mexico	3,000	47.00	—	—	—	4	20	109	8	—	141	28.4
Norway	4,792	8.35	—	3	—	5	9	15	7	1	40	47.5
Paris	5,007	18.97	—	3	—	3	7	77	4	1	95	46.3
Bethel	2,527	10.68	—	—	—	—	6	19	2	—	27	14.8
Fryeburg	3,286	20.39	—	—	2	1	12	51	1	—	67	17.9
Oxford	4,029	29.04	—	—	—	—	25	90	2	—	117	30.8
Oxford SP	—	—	—	1	1	8	63	89	5	—	167	15.6
Oxford County Totals	**56,647**	**22.33**	**1**	**19**	**3**	**32**	**307**	**844**	**54**	**5**	**1,265**	**23.5**
Total Urban Areas	**31,714**	**26.17**	**1**	**11**	**2**	**19**	**136**	**626**	**30**	**5**	**830**	**28.0**
Total Rural Areas	**24,933**	**17.45**	**—**	**8**	**1**	**13**	**171**	**218**	**24**	**—**	**435**	**14.9**

COUNTY JAIL

The Oxford County jail is located in the County seat of South Paris. The jail has a rated capacity of 44. The Oxford County Jail's average daily population of inmates held in custody has generally increased during the 64 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 38 in 2002 to a high of 45 in 2004. The increase between 2001 and 2006 is just over 7%, with slight population reductions in 2005 and 2006. In addition, the mix of inmates by gender has consistently increased between 2001 (4%) and 2006 (10%).

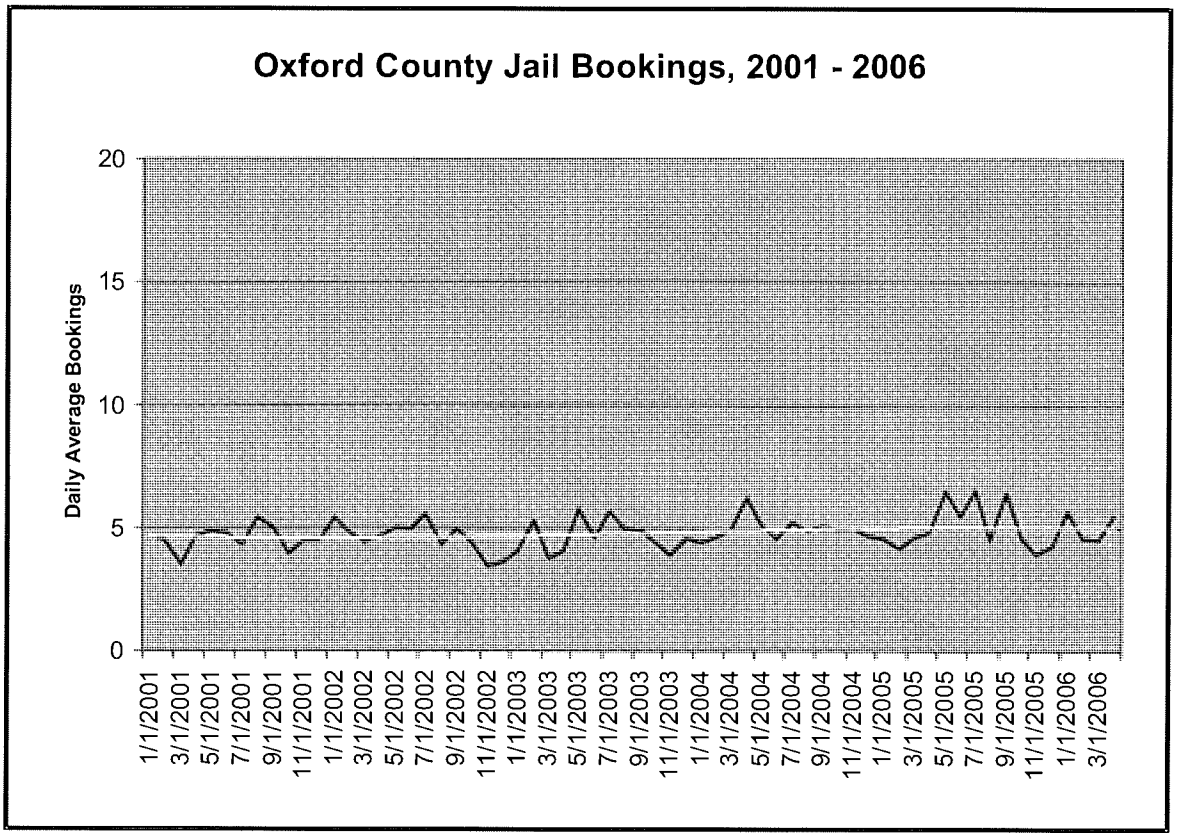


The percentage of inmates who are pending trial (pretrial) in Oxford County has had significant fluctuations. The percentage was 44% in 2001; it increased to 57% in 2003, decreased to 47% in 2004, increased again to 55% in 2005, and decreased back to 48% for the first four months of 2006. Please note that the ADP level in the chart that follows does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



Inmates boarded out to other county jails and inmates boarded from other counties were both at exceedingly low levels for Oxford County between 2001 and 2005. However, during the first 4 months of 2006, both numbers increased to 1.3 inmates per day.

Bookings have stayed stable at approximately 5 inmates being booked per day throughout this analysis. There is a very slight increase over time, but the magnitude of this increase is very small, from 4.6 bookings per day in 2001 to 5.0 bookings per day in 2006. During that time, between 15% and 18% of the bookings involve females. The following chart shows the bookings trend between 2001 and April 2006.



DISTRICT AND SUPERIOR COURTS

Oxford County is in the 3rd court region along with Androscoggin and Franklin Counties. The County has two District Courts located in Rumford and South Paris and one Superior Court located in South Paris. The District Courts had a total of 5,026 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 388 criminal cases pending in the District Courts. During the first half of 2006 there were 934 criminal case filings and 1,030 criminal case dispositions for a clearance rate of 110.3%. The clearance rate is above the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 2,189 criminal cases in an average of 96 days. The average of 96 days for case disposition ranks 13th out of 16 Counties.

The District Court oversees five (5) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Oxford Superior Court has one Justice (not necessarily the same Justice) assigned for 6 months out of the year. In 2005, there were a total of 733 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 202 criminal cases pending in the Oxford Superior Court. During the first half of 2006 there were 288 criminal case filings and 332 criminal case dispositions for a clearance rate of 115.3%. This clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 563 criminal cases in an average of 138 days. The average of 138 days for case disposition ranks tied for 3rd out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 3rd prosecutorial district. The 3rd prosecutorial district also serves Franklin and Androscoggin Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

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A grand jury is summoned in Oxford County on a quarterly basis.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to Oxford County since 1994. The program has been funded by the County on a fee for service basis (the jail or attorney contacts MPS when a Court placement has been made) since 2005. Between 1994 and 2004 pretrial services were provided on a pro-bono basis; with the exception of 2000 when there was a staff person assigned to the County 10 hours per week. Supervision is the primary function of this program. During 2005, MPS screened 26 defendants and supervised 10 defendants; ½ (5) of whom were also on probation supervision. Four defendants had their bail revoked while under pretrial supervision due to technical violations (violations of conditions other than FTA and new alleged criminal conduct).

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Oxford County is a part of probation region two along with Androscoggin, Sagadahoc, and Lincoln Counties. As of August 28, 2006, there were 242 active offenders under supervision in this county.

Penobscot County, incorporated in 1816, is located inland and boarders six other counties. The County is 3,396 square miles with an estimated population of 147,068 according to the 2005 U.S. Census population estimates. With 60 cities, towns, and townships, including Bangor the county seat and 3rd largest Maine city, Penobscot is the 3rd most populated County. In addition, Penobscot County is the 4th largest based on square miles and is the 9th most densely populated county with a population density of 43 persons per square mile.

LAW ENFORCEMENT

There are 14 law enforcement agencies in the County in addition to the State law enforcement agencies. These 14 agencies employ an estimated 215 full-time sworn law enforcement officers representing a ratio of 1.4 officers per 1,000 residents, which is below the statewide average of 1.7. The Regional Dispatch Center serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 6,631 arrests made in 2004 (5,787 adult and 844 juvenile). Bangor PD had the highest volume of arrests (2,251), followed by Penobscot County SO (1,047), Orono PD (565) and Brewer PD (551). Reported Index Crimes totaled 4,795 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 32.34. This rate is higher than the 2004 statewide average of 25.28.

Reported Index Crimes 2004

Penobscot County — ***January–December 2004***

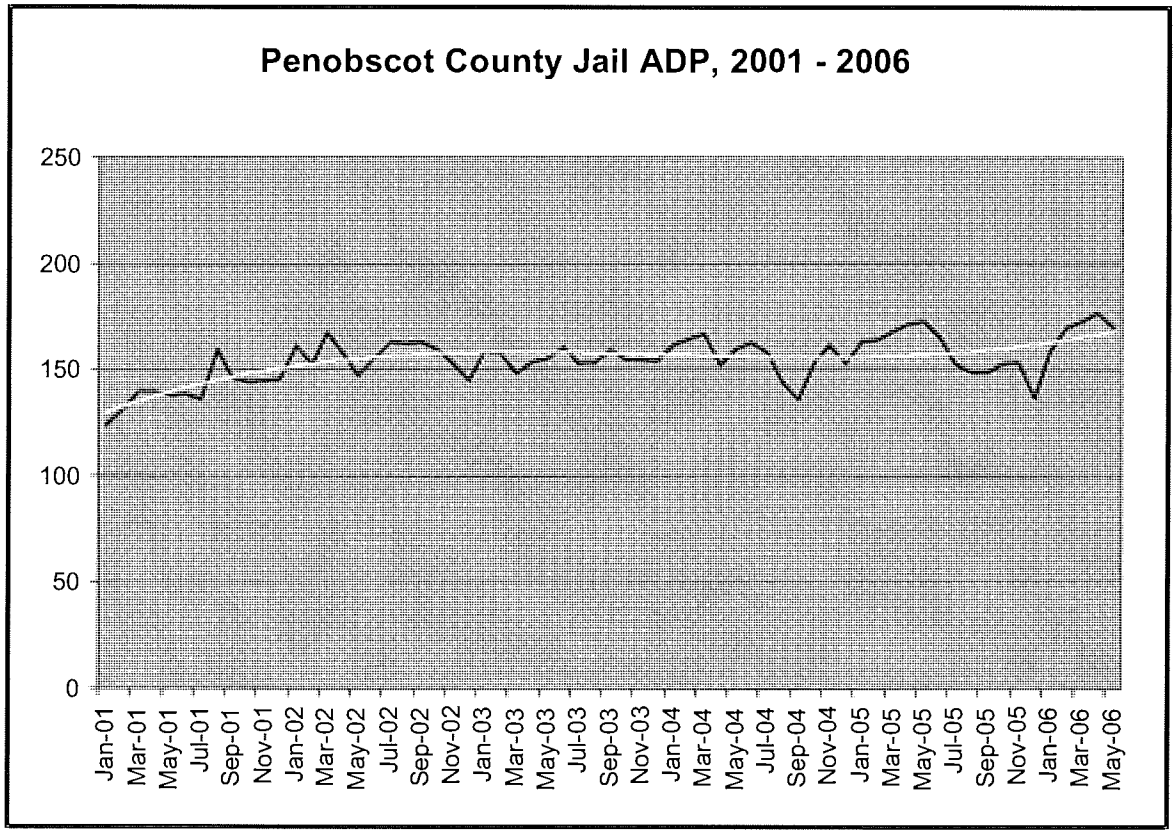
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Penobscot SO	—	—	—	—	—	4	241	493	19	—	757	9.9
Bangor	31,328	55.86	—	8	22	15	248	1,432	51	2	1,778	28.6
Brewer	9,155	43.36	—	—	2	6	40	340	9	—	397	54.9
Dexter	3,890	38.30	—	2	1	10	33	100	3	—	149	28.2
Lincoln	5,311	16.19	—	—	—	1	18	63	4	—	86	33.7
Old Town	8,199	21.71	—	2	1	2	21	144	7	1	178	19.1
Orono	9,223	21.68	—	1	—	—	23	166	4	6	200	18.0
Hampden	6,667	18.45	—	1	—	—	18	98	6	—	123	10.6
Millinocket	5,190	20.62	—	1	—	4	13	85	4	—	107	20.6
East Millinocket	3,323	11.13	—	—	1	1	15	20	—	—	37	43.2
Newport	3,084	49.61	—	—	2	1	23	124	3	—	153	21.6
Veazie	1,362	20.41	—	—	—	1	7	28	2	—	38	55.3
University of ME Orono	—	—	—	3	—	1	51	224	3	44	326	9.5
Holden	2,948	23.41	—	—	—	2	10	55	2	—	69	20.3
Penobscot SP	—	—	1	2	—	7	172	192	23	—	397	19.4
Penobscot County Totals	**148,279**	**32.34**	**1**	**20**	**29**	**55**	**933**	**3,564**	**140**	**53**	**4,795**	**24.4**
Total Urban Areas	**90,680**	**40.15**	**—**	**18**	**29**	**44**	**520**	**2,879**	**98**	**53**	**3,641**	**27.9**
Total Rural Areas	**57,599**	**20.04**	**1**	**2**	**—**	**11**	**413**	**685**	**42**	**—**	**1,154**	**13.2**

COUNTY JAIL

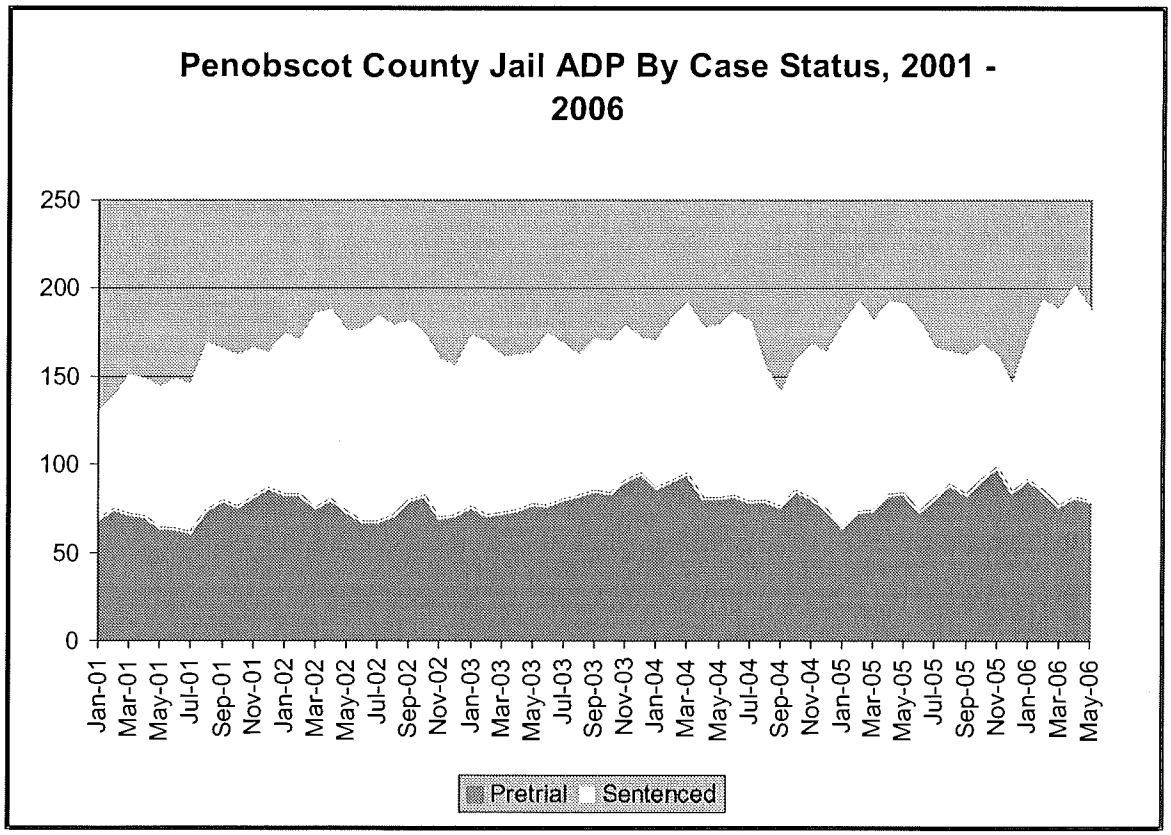
The Penobscot County jail is located in the County seat of Bangor. The jail has a rated capacity of 182. Two separate data analyses were completed for Penobscot County. Summary data of monthly reports from the jail were provided by the Department of Corrections for the period 2001 through the end of May 2006. In addition, the jail provided a data set that included data for all defendants booked into the jail between 2001 and July 2006. The analysis is presented in two sections below based on the source of the data.

DOC MONTHLY REPORT DATA

As can be seen in the chart below, the Penobscot County jail's average daily population has steadily increased over the last 5+ years. The average daily population of inmates held in custody has fluctuated between a low of 140.5 in 2004 to a high of 169.7 so far in 2006. The increase in the population, as the chart demonstrates, is a consistent trend that is matched by similar increases in bookings into the jail. The mix of inmates by gender has also slightly shifted, fluctuating between just fewer than 91% male to just over 89% male between 2001 and the end of May, 2006.

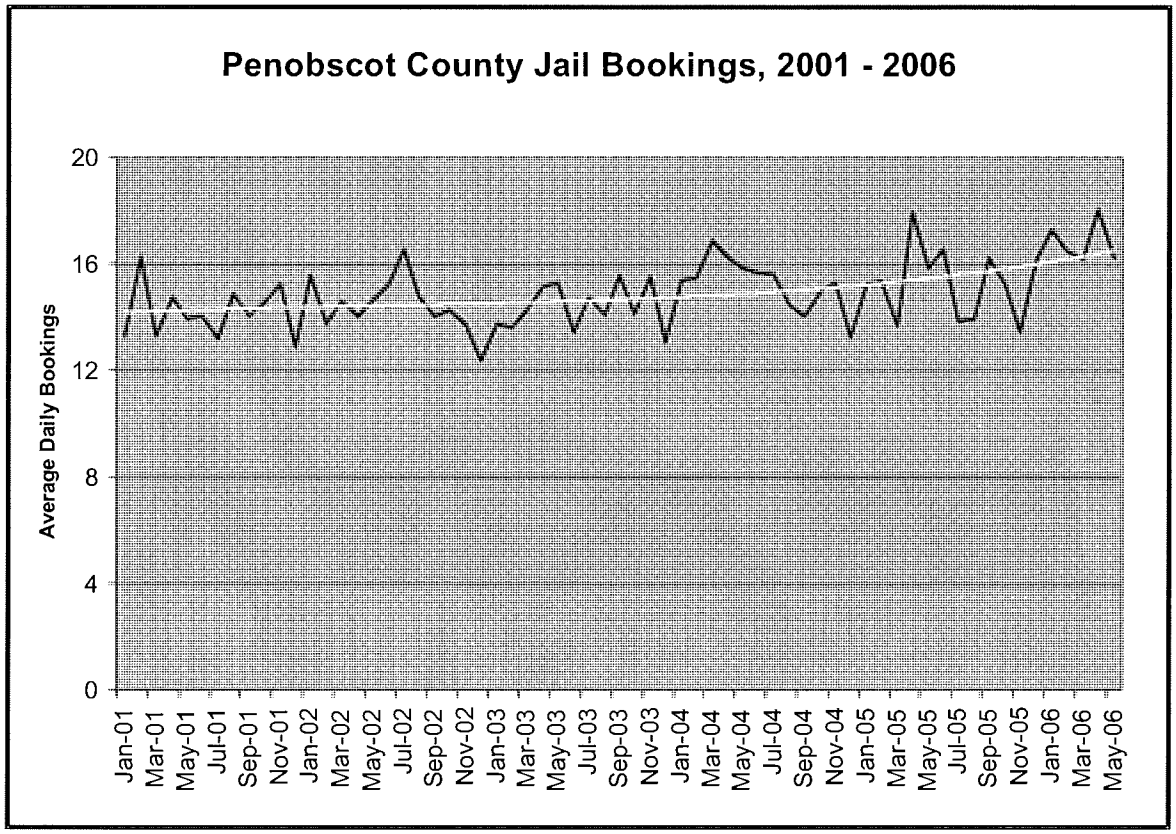


The percentage of inmates who are pending trial (pretrial) in Penobscot County has fluctuated between a low of 43% in 2002 to a high of 48% in 2004. The pretrial population percentage is significantly below the statewide average of 63%. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out has fluctuated on an average daily basis between just over 10 in 2001 to over 18 thus far in 2006. Such a fact is not surprising in light of the average daily population and booking statistics presented earlier. Conversely, the number of inmates who are considered to be boarders has decreased during the span of this analysis.

Bookings have increased over 10% from 2005 so far in 2006 with nearly 17 inmates being booked into the jail each day. There has been an 18% increase in bookings between 2001 and 2006. If the booking trends continue, 2006 will be the highest booking year between 2001 and 2006. In addition, it is important to note that there is a marked increase in the percentage of females booked into the jail. In 2001, 17.8% of bookings were for female inmates. Thus far in 2006, nearly 21% of bookings involve females. This corresponds to the increases in the female average daily population noted earlier. The following chart shows the bookings trend between 2001 and May 2006.



JAIL BOOKING DATA

Data for this analysis was provided by the Penobscot County jail. The data included information for every inmate booked into the jail from 2001 through July 2006.

Race

The racial breakdown of the inmates booked into the jail during the specified timeframe can be found in the following table.

Race	Number	Percent
Asian	47	0.38%
Black	325	2.60%
Indian	290	2.32%
Unknown/Other	59	0.47%
White	11,762	94.22%
Total	12,483	100.00%

Gender

Approximately 21% of the inmates in the analysis were female. Across the nation females typically account for approximately 12% to 20% of the bookings (if not the incarcerated population). The table below provides the totals and percentages based on gender.

	Female	Male	Total	Female	Male
Penobscot County	2,639	9,843	12,483	21.1%	78.8%

Age

The age distribution of the inmates at the time of booking for Penobscot County Jail is provided in the table that follows.

Age	Total	Percent
18-24	4,447	35.6%
25-34	3,447	27.6%
35-44	2,770	22.2%
45-54	1,365	10.9%
55-64	352	2.8%
65+	98	0.8%
Less Than 18	4	0.0%
Total	12,483	100.0%

Education

The educational achievement of Penobscot County inmates, as measured by the self-reported number of completed years in school is presented in the following table.

Education	Total	Percent
Less Than HS	412	3.3%
Some HS	2,365	19.0%
HS Graduate	6,061	48.5%
Some College	2,532	20.3%
College Graduate	616	4.9%
Post College Graduate	312	2.5%
Unknown	185	1.5%
Total	12,483	100.00%

Charges

Penobscot County supplied the charges for each individual inmate. As is usually the case, a large proportion of these inmates had multiple charges against them during their incarceration. It proved difficult to determine which charge would be the primary charge for each inmate. For this reason, an analysis was completed which included all of the charges for the inmates and summary statistics are provided based on the totality of charges. Note that this number adds up to much more than the inmate population and booking numbers reported above.

Charges	Total	Percent
Alcohol	302	0.7%
Assault	3,811	8.5%
Drugs	1,927	4.3%
Murder/Manslaughter	18	0.0%
Other	2,885	6.4%
OUI	5,654	12.6%
Property Crimes	4,619	10.3%
Public Order Offenses	4,431	9.9%
Robbery	128	0.3%
Sexual Offenses	229	0.5%
Traffic	5,538	12.4%
Violation of Conditional Release	2,611	5.8%
Violation of Probation	2,437	5.4%
Violation of Protective Order	355	0.8%
Warrants (FTA, VOP, FTPF)	9,673	21.6%
Weapons	206	0.5%
Total	44,824	100.0%

It must be noted that Penobscot County has historically combined probation violations, failures to appear, and failures to pay fines in one code within their database. Recently, however, probation violations have been broken out separately by a specific offense code. For this reason the 'Warrants' category is the largest single category and there is a fairly sizeable number of probation violators as well. If all the different criminal process violation charges were combined, over one-third of all Penobscot County charges would be in such a category.

Release Reason

The type of release for the inmates in this analysis was analyzed. The table below contains the numbers and percentages of releases by release type.

Release Type	Total	Percent
Bail	2,379	19.1%
Court Release	1,843	14.8%
Dismissed	39	0.3%
Fine Paid	52	0.4%
Other Agency	1,354	10.8%
Other/Unknown	215	1.7%
Own Recognizance	3,058	24.5%
Probation Hold Lifted	275	2.2%
Time Served	3,113	24.9%
Volunteers of America	155	1.2%
Total	12,483	100%

Average Length of Stay

The average length of stay of inmates in the analysis was calculated by averaging the length of incarceration for all defendants booked into the jail. Some inmates who were booked into the facility and were not released at the time the data was provided were excluded from the analysis. In addition, for defendants who were booked and released on the same calendar day, the length of stay was counted as one day. For the entire length of this analysis, the average length of stay is 11.3 days. Females stay 6.5 days on average and males stay 12.6 days. The disparity between female and male average length of stay matches findings in county jails across the country. The average length of stay across the 5 years studied varied and included the following: 2001 – 7.3 days, 2002 – 10.9 days, 2003 – 11.2 days, 2004 – 12.2 days, and 2005 – 13 days. Note that the average length of stay increases every year between 2001 and 2005.

DISTRICT AND SUPERIOR COURTS

Penobscot County is in the 5th court region along with Piscataquis County. The County has four District Courts located in Bangor, Lincoln, Millinocket, and Newport and one Superior Court located in Bangor. The District Courts had a total of 16,411 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 792 criminal cases pending in the Penobscot County District Courts. During the first half of 2006 there were 3,383 criminal case filings and 3,632 criminal case dispositions for a clearance rate of 107.4%. The clearance rate is higher than the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 7,310 criminal cases in an average of 73 days. The average of 73 days for case disposition ranks 6th out of 16 Counties.

The District Court oversees 19 Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Penobscot Superior Court has two Justices assigned for eight months and one Justice for four months out of the year. In 2005, there were a total of 1,446 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 425 criminal cases pending in the Penobscot Superior Court. During the first half of 2006 there were 619 criminal case filings and 664 criminal case dispositions for a clearance rate of 107.3%. The clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 1,041 criminal cases in an average of 181 days. The average of 181 days for case disposition ranks 11th out of 16 Superior Courts.

Penobscot County operates an Adult Drug Treatment Court. This problem solving court involves a partnership between the Penobscot County Superior and District Courts, Wellspring Counseling Center, Penobscot County District Attorney's Office, Maine Pretrial Services, local law enforcement, and Region Four Probation and Parole. In 2005 there were 51 referrals, 18 admissions into the program, 14 graduations (successful completions), and 6 terminations (unsuccessful completions). As of June 30, 2006, there were 28 people participating in the Adult Drug Treatment Court program.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 5th prosecutorial district along with Piscataquis County. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Penobscot County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Penobscot County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Penobscot County on a monthly basis.

PRETRIAL SERVICES

Volunteers of America Northern New England has been providing pretrial services to Penobscot County since 1998. The program is funded by the County. Supervision fees are determined by a sliding scale based on the defendant's ability to pay and generally range from $10 to $17 per day. The supervision fees are provided to the Sheriff's Office. One full time staff provides services which include screenings for detained defendants and supervision of defendants released to the community pending trial when ordered by the Court. It should be noted that supervision includes home confinement, with permission to leave for work and other allowable activities, as a condition of this program. During 2005 VOANNE provided pretrial supervision for 23 defendants; 13 (56.5%) of whom were also on probation supervision. Nine defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 8 for alleged new criminal conduct, and 1 for technical violation (violation of conditions other than FTA and new alleged criminal conduct). As of August 31, 2006, there were 5 defendants under pretrial supervision in Penobscot County.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Penobscot County is a part of probation region four along with Aroostook, Piscataquis, Hancock, Washington, and Waldo and Counties. As of August 28, 2006, there were 701 active offenders under supervision in this county.

Piscataquis County, incorporated in 1838, is a land-locked county located in the center of the state. The County is 3,966 square miles with an estimated population of 17,674 according to the 2005 U.S. Census population estimates. With 19 cities, towns, and townships, including Dover-Foxcroft the county seat, Piscataquis is the least populated County. In addition, Piscataquis County is the 2nd largest based on square miles and is the least densely populated county with a population density of 4 persons per square mile.

LAW ENFORCEMENT

There are four (4) law enforcement agencies in the County in addition to the State law enforcement agencies. These 4 agencies employ an estimated 17 full-time sworn law enforcement officers representing a ratio of 1 officer per 1,000 residents, which is below the statewide average of 1.7. The Piscataquis County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 534 arrests made in 2004 (423 adult and 111 juvenile). Milo-Brownville PD had the highest volume of arrests (240), followed by Piscataquis County SO (122), and Dover-Foxcroft PD (109). Reported Index Crimes totaled 351 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 20. This rate is lower than the 2004 statewide average of 25.28.

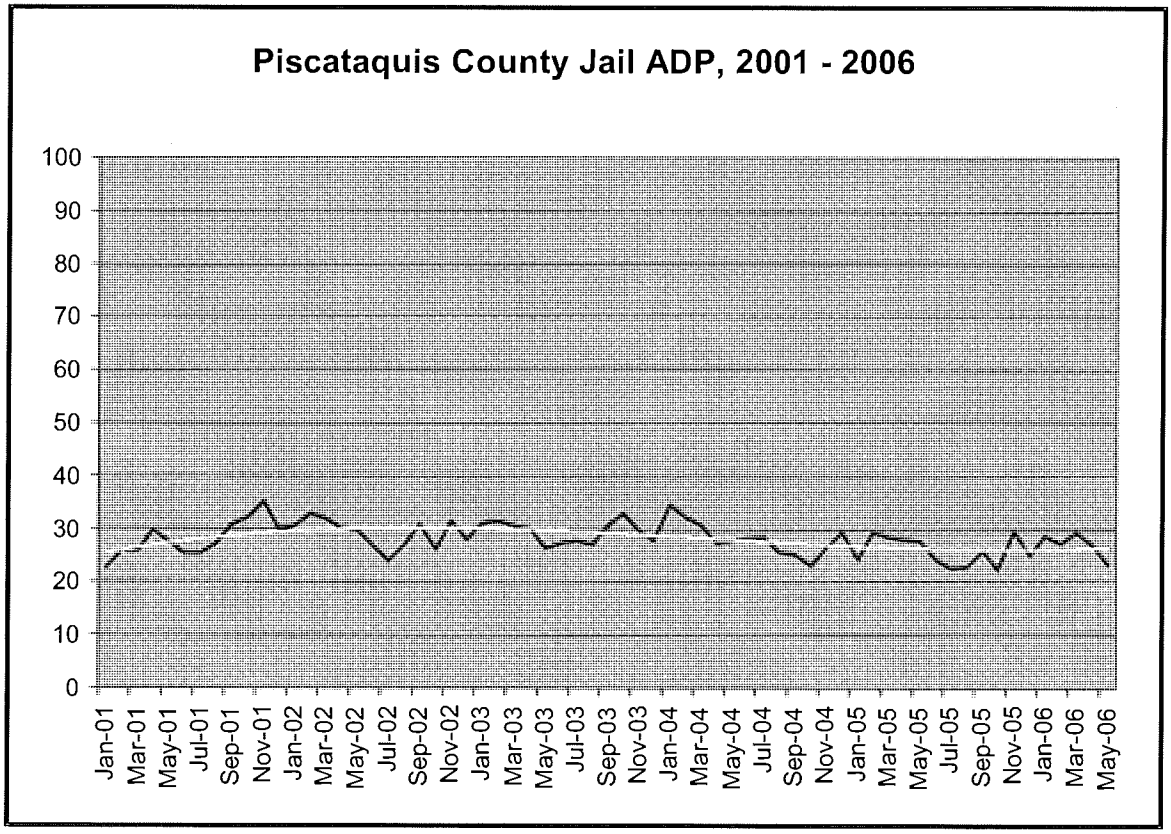
Reported Index Crimes 2004

Piscataquis County — ***January–December 2004***

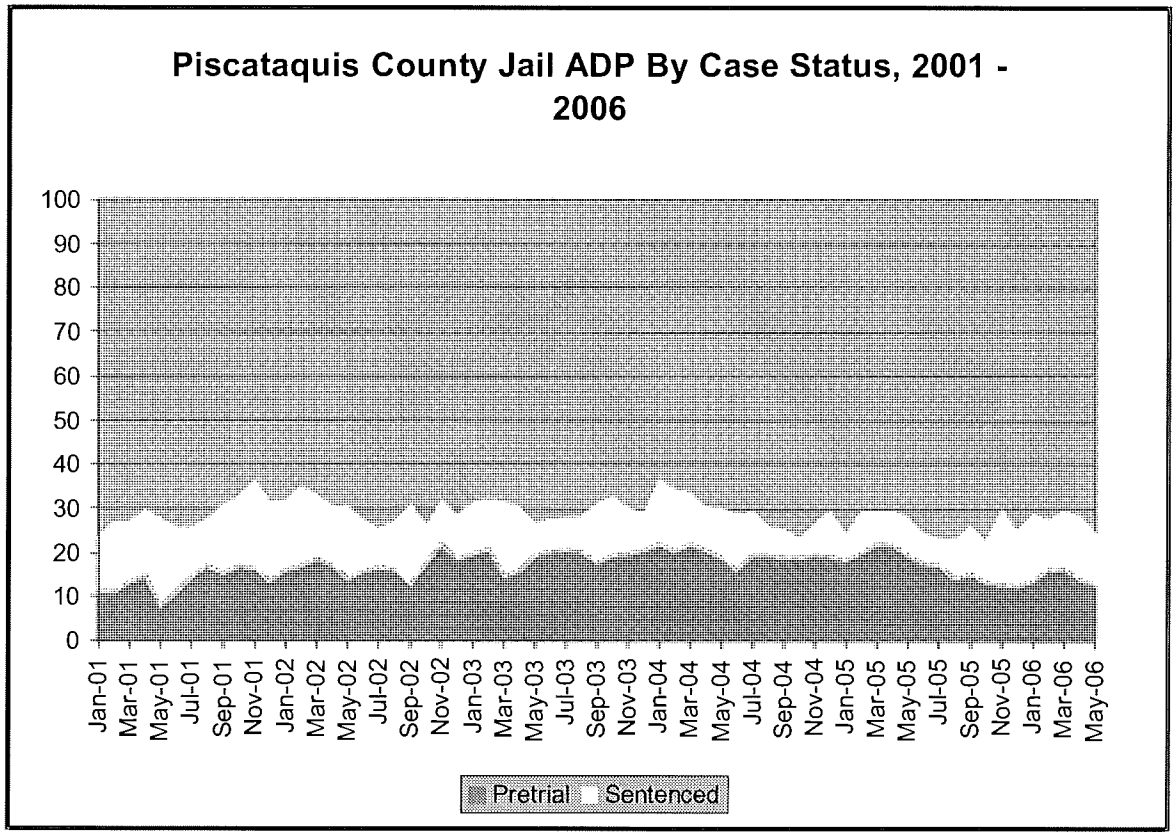
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Piscataquis SO	—	—	—	3	1	—	28	53	3	1	89	11.2
Dover-Foxcroft	4,324	24.05	—	1	—	8	15	72	7	1	104	25.0
Milo-Brownville	3,690	22.76	—	—	—	7	24	48	4	1	84	88.1
Greenville	1,683	39.22	—	—	—	4	13	45	4	—	66	12.1
Piscataquis SP	—	—	—	—	—	—	1	7	—	—	8	12.5
Piscataquis County Totals	**17,548**	**20.00**	**—**	**4**	**1**	**19**	**81**	**225**	**18**	**3**	**351**	**33.9**
Total Urban Areas	**9,697**	**26.19**	**—**	**1**	**—**	**19**	**52**	**165**	**15**	**2**	**254**	**42.5**
Total Rural Areas	**7,851**	**12.36**	**—**	**3**	**1**	**—**	**29**	**60**	**3**	**1**	**97**	**11.3**

COUNTY JAIL

The Piscataquis County jail is located in the County seat of Dover-Foxcroft. The jail has a rated capacity of 39. The Piscataquis County Jail's average daily population of inmates held in custody has remained largely stable during the 65 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a low of 27 in 2001 to a high of 29 in 2003. The average during the time span analyzed is 28 inmates and no increase is evident in the trend line of the graph below. The mix of inmates by gender fluctuates from year to year between 6% and 13% due to the comparatively small numbers of inmates in the jail.

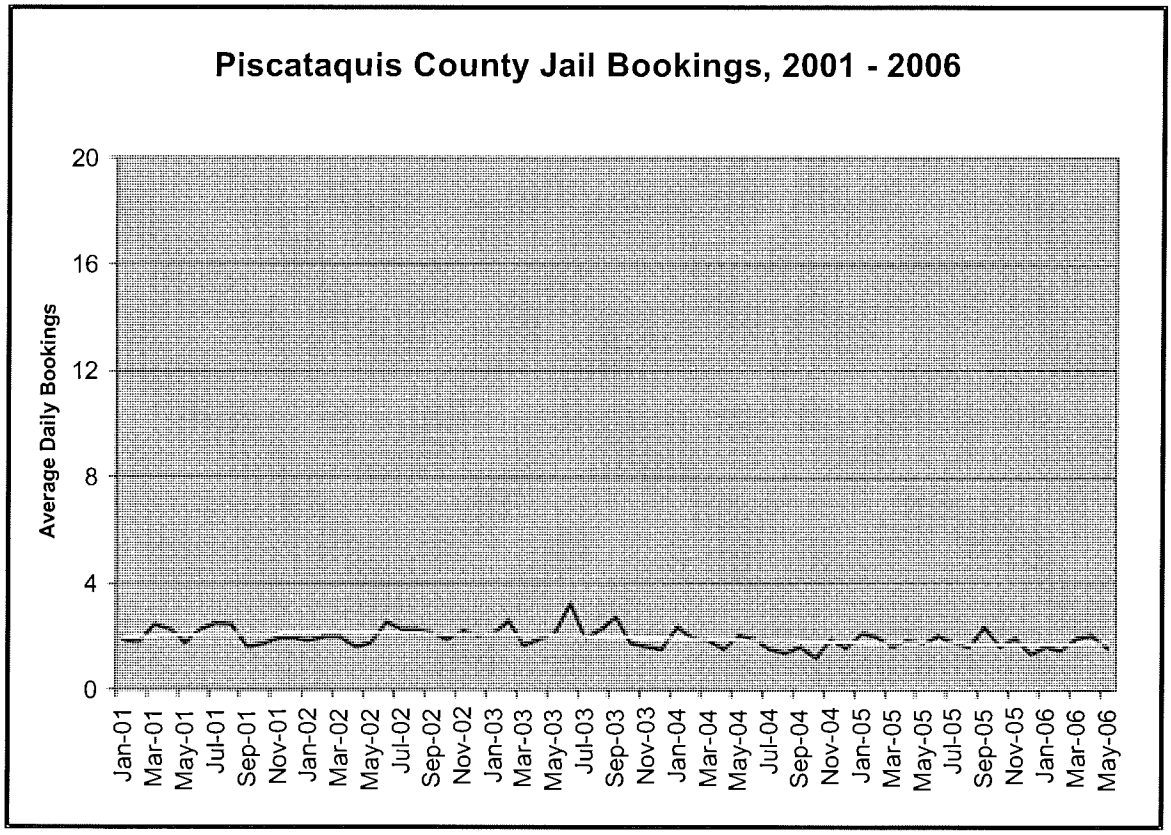


The percentage of inmates who are pending trial (pretrial) in Piscataquis County has fluctuated annually between a low of 46% in 2001 to a high of 66% in 2004. Thus far in 2006, the average is 58%. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



The number of inmates from other counties boarding at the Piscataquis County jail is typically between 13 and 17 inmates on a daily basis during the time span of this analysis. Conversely, inmates who are boarded out average out to less than 1 inmate per day during that time.

Bookings have stayed steady at about 2 per day throughout this analysis, with 15% of the arrestees being female. The chart that follows shows the flat trend in bookings for Piscataquis County.



DISTRICT AND SUPERIOR COURTS

Piscataquis County is in the 5th court region along with Penobscot County. The County has one District Court and one Superior Court; both are located in Dover-Foxcroft. The District Court had a total of 1,807 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 59 criminal cases pending in the District Court. During the first half of 2006 there were 314 criminal case filings and 331 criminal case dispositions for a clearance rate of 105.4%. The clearance rate is higher than the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 719 criminal cases in an average of 63 days. The average of 63 days for case disposition ranks 3rd out of 16 Counties.

The District Court oversees four (4) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Piscataquis Superior Court has one Justice (not necessarily the same Justice) assigned for three months out of the year. In 2005, there were a total of 100 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 22 criminal cases pending in the Piscataquis Superior Court. During the first half of 2006 there were 54 criminal case filings and 55 criminal case dispositions for a clearance rate of 101.9%. The clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 83 criminal cases in an average of 149 days. The average of 149 days for case disposition ranks 6th out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 5th prosecutorial district along with Penobscot County. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

When available, Piscataquis County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. It should be noted that due to a lack of participating LODs, it is not always possible to have a LOD at initial proceedings/arraignments. In addition to attorneys who can be hired by a defendant, Piscataquis County maintains a pool of

private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Piscataquis County twice a year.

PRETRIAL SERVICES

Piscataquis County is not served by a pretrial services program.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Piscataquis County is a part of probation region four along with Aroostook, Penobscot, Hancock, Washington, and Waldo and Counties. As of August 28, 2006, there were 61 active offenders under supervision in this county.

Sagadahoc County, incorporated in 1854, is located in the mid-coast region of Maine. The County is 254 square miles with an estimated population of 36,962 according to the 2005 U.S. Census population estimates. With 10 cities, towns, and townships, including Bath the county seat, Sagadahoc is the 12th most populated County. In addition, Sagadahoc County is the smallest based on square miles and is the 4th most densely populated county with a population density of 139 persons per square mile.

LAW ENFORCEMENT

There are five (5) law enforcement agencies in the County in addition to the State law enforcement agencies. These five agencies employ an estimated 53 full-time sworn law enforcement officers representing a ratio of 1.3 officers per 1,000 residents, which is below the statewide average of 1.7. The Regional Dispatch Center serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1,173 arrests made in 2004 (974 adult and 199 juvenile). Bath PD had the highest volume of arrests (549), followed by Sagadahoc County SO (320), and Topsham PD (183). Reported Index Crimes totaled 778 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 21.15. This rate is lower than the 2004 statewide average of 25.28.

Reported Index Crimes 2004

Sagadahoc County												*January–December 2004*
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Sagadahoc SO	—	—	—	2	—	1	37	153	10	4	207	15.9
Bath	9,404	40.09	—	1	2	1	35	332	4	2	377	21.8
Topsham	9,708	15.97	—	2	1	1	27	117	7	—	155	30.3
Richmond	3,416	4.39	—	—	—	1	7	6	1	—	15	53.3
Phippsburg	2,203	9.08	—	—	—	—	8	12	—	—	20	20.0
Sagadahoc SP	—	—	—	—	—	—	—	3	1	—	4	0.0
Sagadahoc County Totals	**36,777**	**21.15**	**—**	**5**	**3**	**4**	**114**	**623**	**23**	**6**	**778**	**22.4**
Total Urban Areas	**24,731**	**22.93**	**—**	**3**	**3**	**3**	**77**	**467**	**12**	**2**	**567**	**24.9**
Total Rural Areas	**12,046**	**17.52**	**—**	**2**	**—**	**1**	**37**	**156**	**11**	**4**	**211**	**15.6**

COUNTY JAIL

Sagadahoc County currently does not have a jail, however, they have partnered with Lincoln County to build the Two Bridges Regional Jail which is scheduled to open in late 2006.

DISTRICT AND SUPERIOR COURTS

Sagadahoc County is in the 6th court region along with Lincoln, Knox, and Waldo Counties. The County has one District Court located in West Bath and one Superior Court located in Bath. The District Court had a total of 5,097 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 259 criminal cases pending in the District Court. During the first half of 2006 there were 989 criminal case filings and 1,029 criminal case dispositions for a clearance rate of 104%. The clearance rate is comparable to the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 2,147 criminal cases in an average of 65 days. The average of 65 days for case disposition ranks 5th out of 16 Counties.

The District Court oversees five (5) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at the police department, lock-up, or another location as deemed appropriate.

The Sagadahoc Superior Court has one Justice (not necessarily the same Justice) assigned for 5 ½ months out of the year. In 2005, there were a total of 280 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 83 criminal cases pending in the Sagadahoc Superior Court. During the first half of 2006 there were 120 criminal case filings and 141 criminal case dispositions for a clearance rate of 117.3%. The clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 197 criminal cases in an average of 138 days. The average of 138 days for case disposition ranks tied for 3rd out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 6th prosecutorial district along with Lincoln, Knox, and Waldo Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Sagadahoc County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Sagadahoc County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Sagadahoc County three to four times a year.

PRETRIAL SERVICES

Volunteers of America Northern New England has been providing pretrial services to Sagadahoc County since 1993. The program has several sources of funding including County funds, a Department of Justice Project Safe Neighborhood grant, and supervision fees. Supervision fees are determined by a sliding scale based on the defendant's ability to pay and range from $2 to $10 per week. One full time staff provides services which include screenings for detained defendants, supervision of defendants released to the community pending trial when ordered by the Court, and supervision for all defendants arrested for domestic violence. During 2005 VOANNE provided pretrial supervision for 110 defendants; 18 (16%) of whom were also on probation supervision. Nineteen defendants had their bail revoked while under pretrial supervision as follows: 3 for failure to appear, 4 for alleged new criminal conduct, and 12 for technical violations (violation of conditions other than FTA and new alleged criminal conduct). As of August 31, 2006, there were 40 defendants under pretrial supervision in Sagadahoc County.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Sagadahoc County is a part of probation region two along with Androscoggin, Lincoln, and Oxford Counties. As of August 28, 2006, there were 162 active offenders under supervision in this county.

SOMERSET COUNTY

Somerset County, incorporated in 1809, is centrally located in Maine, bordering Kennebec County at its southern tip and Canada at its northern tip. The County is 3,927 square miles with an estimated population of 51,667 according to the 2005 U.S. Census population estimates. With 33 cities, towns, and townships, including Skowhegan the county seat, Somerset is the 9th most populated County. In addition, Somerset County is the 3rd largest based on square miles and is the 13th most populated county with a population density of 13 persons per square mile.

LAW ENFORCEMENT

There are five (5) law enforcement agencies in the County in addition to the State law enforcement agencies. These 5 agencies employ an estimated 53 full-time sworn law enforcement officers representing a ratio of 1 officer per 1,000 residents, which is below the statewide average of 1.7. The Somerset County Sheriff's Office serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1795 arrests made in 2004 (1,429 adult and 366 juvenile). Skowhegan PD had the highest volume of arrests (646), followed by Fairfield PD (328), and the State Police (254). Reported Index Crimes totaled 1,587 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 30.75. This rate is higher than the 2004 statewide average of 25.28.

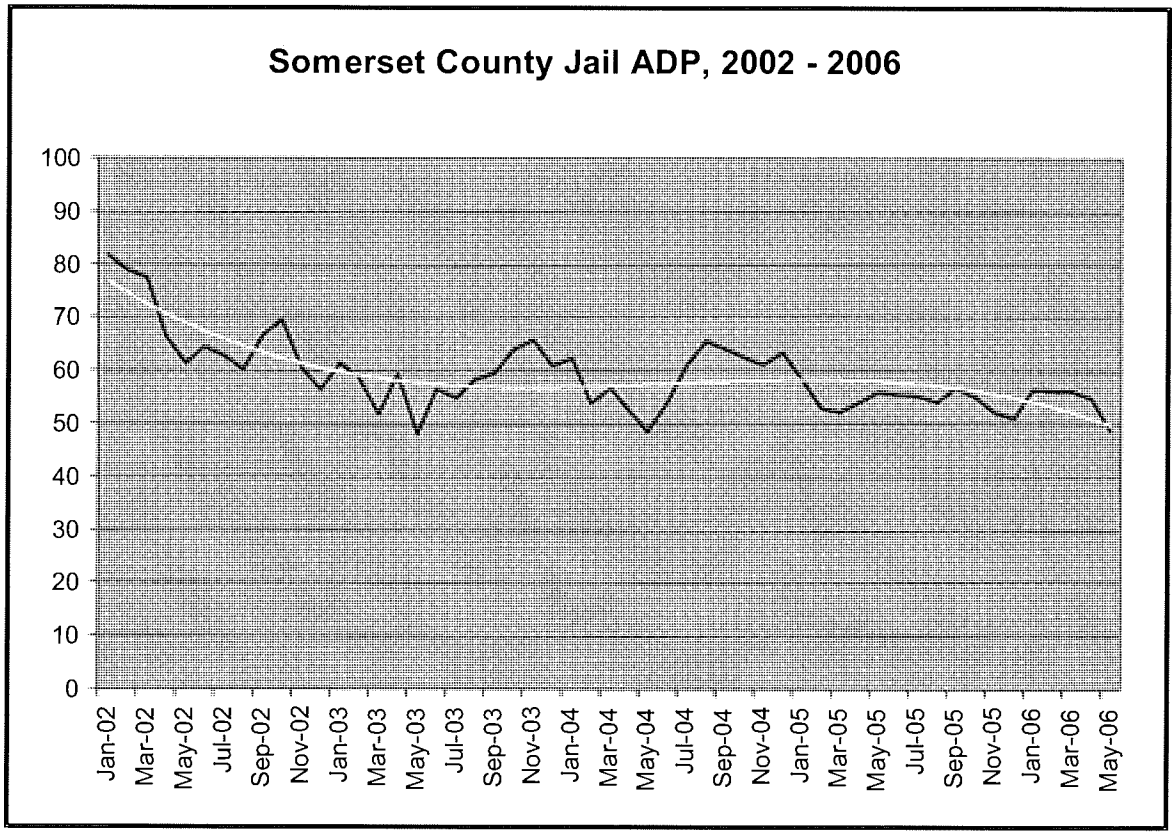
Reported Index Crimes 2004

Somerset County — ***January–December 2004***

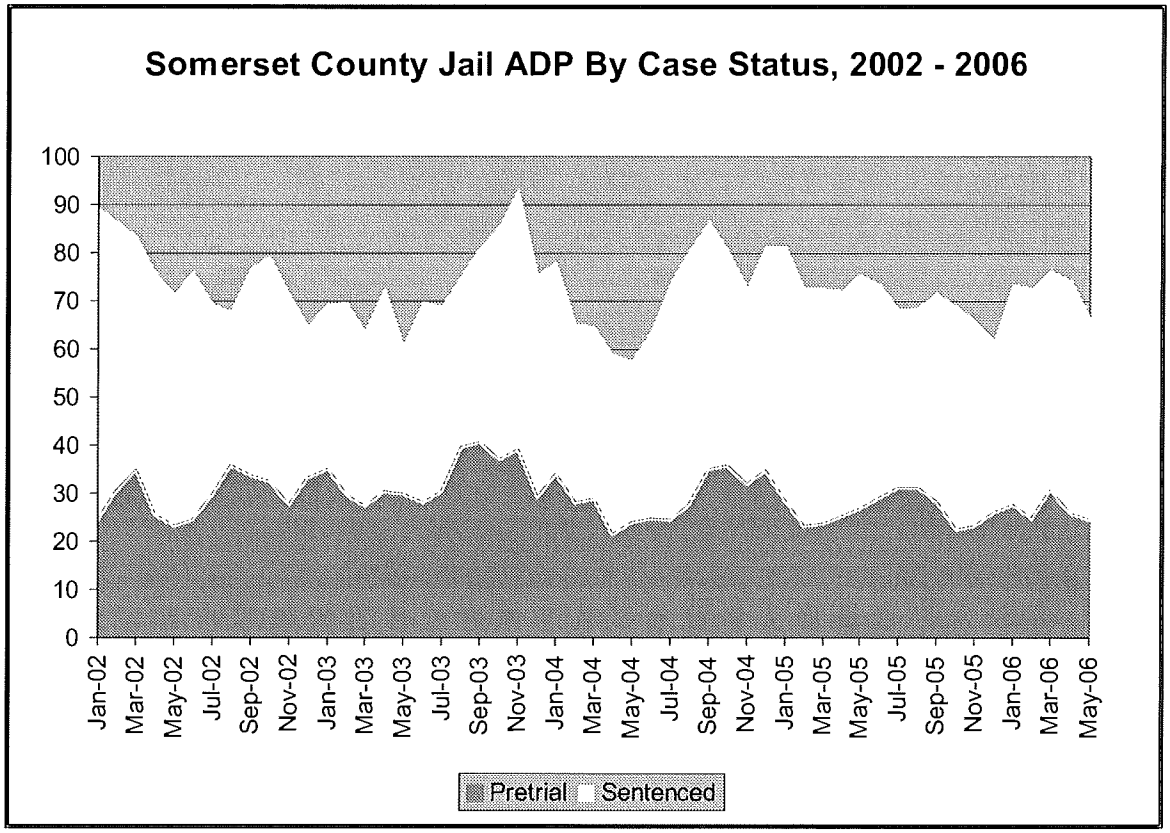
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	MV Theft	Arson	Total Index Crimes	Clearance Rate
Somerset SO	—	—	—	—	—	11	148	178	32	1	370	23.0
Fairfield	6,658	35.30	—	2	2	4	33	186	7	1	235	37.0
Skowhegan	8,876	56.11	—	6	1	3	93	385	4	6	498	21.5
Madison	4,591	33.33	—	6	3	1	39	98	3	3	153	50.3
Pittsfield	4,296	31.19	—	1	—	7	25	93	8	—	134	19.4
Somerset SP	—	—	1	2	1	6	58	123	6	—	197	51.3
Somerset County Totals	**51,606**	**30.75**	**1**	**17**	**7**	**32**	**396**	**1,063**	**60**	**11**	**1,587**	**30.4**
Total Urban Areas	**24,421**	**41.77**	**—**	**15**	**6**	**15**	**190**	**762**	**22**	**10**	**1,020**	**29.1**
Total Rural Areas	**27,185**	**20.86**	**1**	**2**	**1**	**17**	**206**	**301**	**38**	**1**	**567**	**32.8**

COUNTY JAIL

The Somerset County jail is located in the County seat of Skowhegan. The jail has a rated capacity of 55. It should be noted that the County is in the planning process to build a new 150 bed facility. The Somerset County Jail's average daily population of inmates held in custody has generally decreased between 2002 (67 inmates) and the first 5 months of 2006 (55 inmates). As the trend in the following chart demonstrates, the steady rate of decrease is fairly consistent on an annual basis over time. The mix of inmates by gender is relatively inconsistent from year to year, with less than 1% in some years and approximately 2.5% in other years.

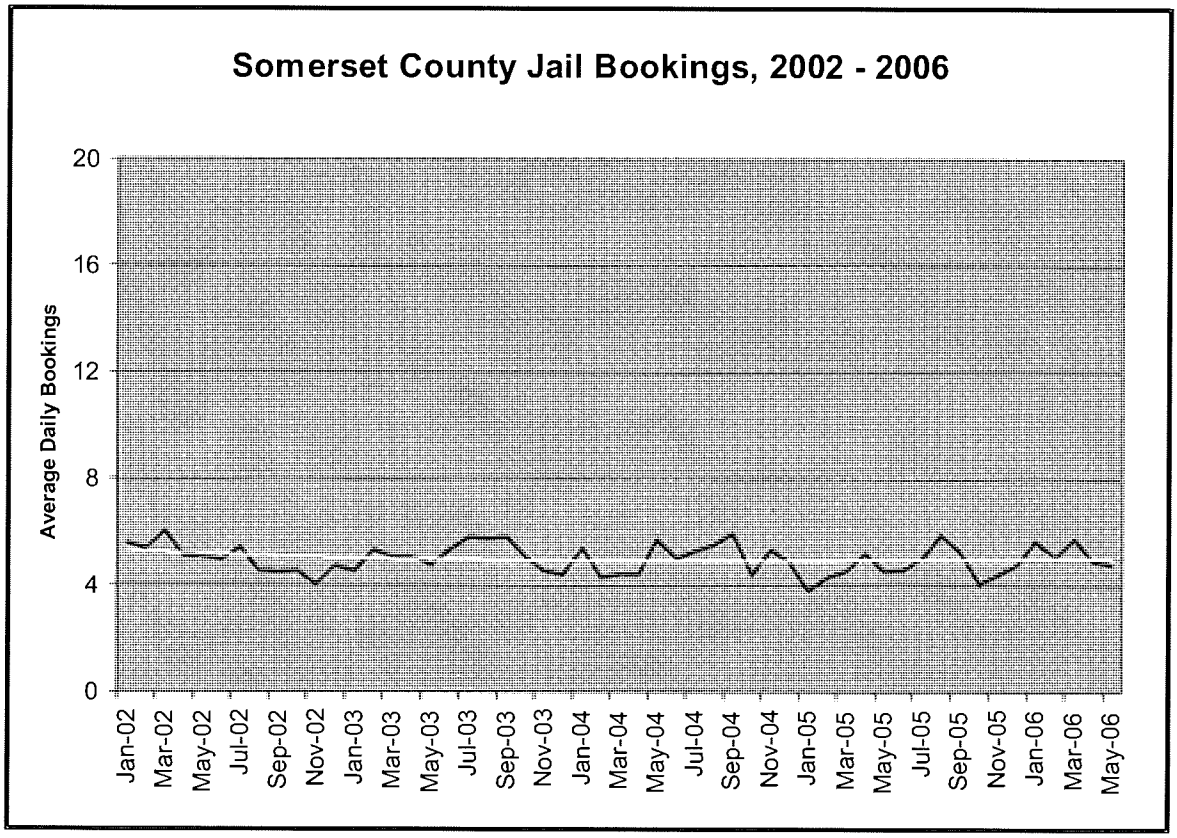


The percentage of inmates who are pending trial (pretrial) in Somerset County has fluctuated between a low of 37% in 2005 (and the first 5 months of 2006) and a high of 45% in 2003. The percentage appears to be decreasing, as 2004, 2005 and 2006 all represent reductions in the percentage reported for 2003. The chart that follows depicts the average daily population by case status trends from 2002 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out has increased from 7 inmates per day in 2002 to nearly 15 per day in 2006. The number of inmates staying at the Somerset County jail from other counties was typically between 1 and 3 on a daily basis during this analysis.

Bookings have stayed remarkably stable between 2002 and the first 5 months of 2006 with about 5 inmates a day being booked. Of those, about 18% are females throughout the analysis. The population reduction does not appear to be a function of reduced bookings, as the trend on the following graph indicates.



DISTRICT AND SUPERIOR COURTS

Somerset County is in the 4th court region along with Kennebec County. The County has one District Court and one Superior Court; both are located in Skowhegan. The District Court had a total of 5,522 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 203 criminal cases pending in the District Court. During the first half of 2006 there were 1,122 criminal case filings and 1,160 criminal case dispositions for a clearance rate of 104.3%. The clearance rate is comparable to the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 2,431 criminal cases in an average of 57 days. The average of 57 days for case disposition ranks 1st out of 16 Counties.

The District Court oversees 10 Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Somerset Superior Court has one Justice (not necessarily the same Justice) assigned for six months out of the year. In 2005, there were a total of 562 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 167 criminal cases pending in the Somerset Superior Court. During the first half of 2006 there were 308 criminal case filings and 225 criminal case dispositions for a clearance rate of 73.1%. The clearance rate is significantly lower than the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 450 criminal cases in an average of 88 days. The average of 88 days for case disposition ranks 1st out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 4th prosecutorial district along with Kennebec County. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Somerset County operates what is known as the Private Defender Program (PDP). The PDP, for one set annual fee, provide the entire Lawyer of the Day services at all initial proceedings/arraignments and serves as court appointed attorneys for all defendants assigned an attorney by the Court. There are currently four firms that participate in the PDP program. In addition, private practice attorneys can be hired to represent a defendant.

GRAND JURY

A grand jury is summoned in Somerset County five or six times a year.

PRETRIAL SERVICES

Somerset County is not served by a pretrial services program.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Somerset County is a part of probation region three along with Franklin, Kennebec, and Knox Counties. As of August 28, 2006, there were 379 active offenders under supervision in this county.

Waldo County, incorporated in 1827, is located in mid-coast Maine along the Penobscot Bay. The County is 730 square miles with an estimated population of 38,705 according to the 2005 U.S. Census population estimates. With 26 cities, towns, and townships, including Belfast the county seat, Waldo is the 11th most populated County. In addition, Waldo County is the 12th largest based on square miles and is the 8th most densely populated county with a population density of 50 persons per square mile.

LAW ENFORCEMENT

There are three (3) law enforcement agencies in the County in addition to the State law enforcement agencies. These 3 agencies employ an estimated 32 full-time sworn law enforcement officers representing a ratio of 0.8 officers per 1,000 residents, which is below the statewide average of 1.7. The Regional Dispatch Center serves as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 988 arrests made in 2004 (858 adult and 130 juvenile). Waldo SO had the highest volume of arrests (429), followed by Belfast PD (372), and the State Police (116). Reported Index Crimes totaled 759 in 2004 as can be seen in the chart below. The County crime rate for 2004 was 19.67. This rate is lower than the 2004 statewide average of 25.28.

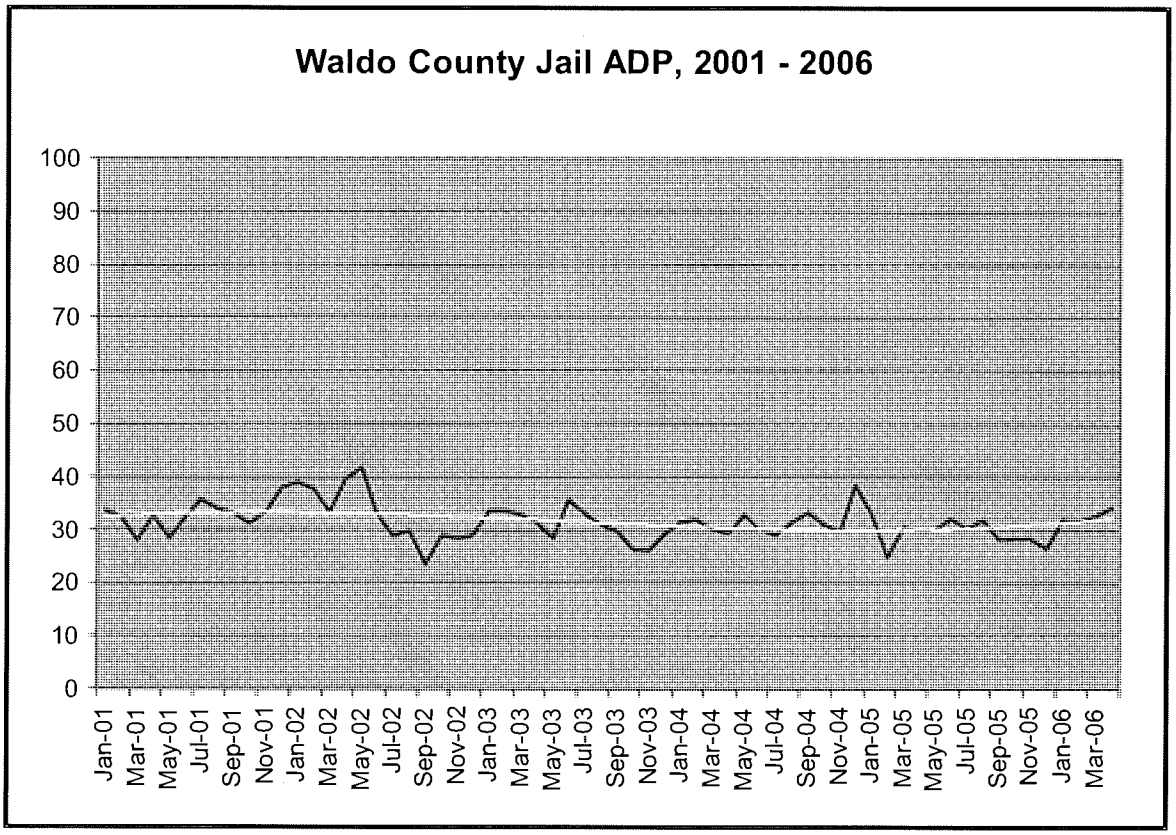
Reported Index Crimes 2004

Waldo County ***January–December 2004***

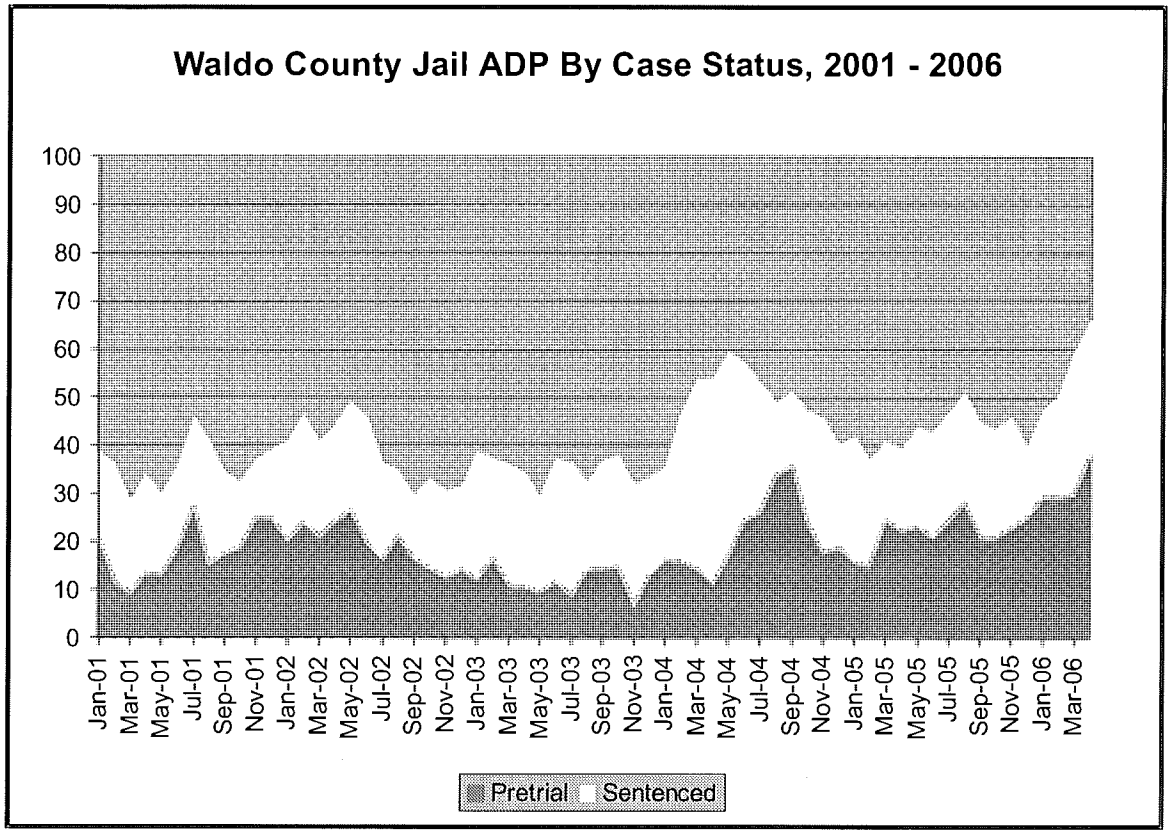
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Waldo SO	—	—	—	2	2	22	97	243	16	—	382	36.9
Belfast	6,868	38.29	—	—	1	10	27	216	9	—	263	38.4
Searsport	2,723	27.54	—	—	—	1	24	47	3	—	75	13.3
Waldo SP	—	—	1	—	—	—	13	25	—	—	39	20.5
Waldo County Totals	**38,586**	**19.67**	**1**	**2**	**3**	**33**	**161**	**531**	**28**	**—**	**759**	**34.3**
Total Urban Areas	**9,591**	**35.24**	**—**	**—**	**1**	**11**	**51**	**263**	**12**	**—**	**338**	**32.8**
Total Rural Areas	**28,995**	**14.52**	**1**	**2**	**2**	**22**	**110**	**268**	**16**	**—**	**421**	**35.4**

COUNTY JAIL

The Waldo County jail is located in the County seat of Belfast. The jail has a rated capacity of 32. The Waldo County Jail's average daily population of inmates held in custody is remarkably stable during the time span of this analysis. The flat trend line in the chart that follows demonstrates the fact that there is little variation from the average of 31.8 inmates per day between 2001 and the first four months of 2006. The average daily population for all years analyzed is consistently right around 32 inmates per day. The mix of inmates by gender varies from year to year in such a manner that it is difficult to determine if a trend is present. The average of female inmates for the entire time span is about 7%.

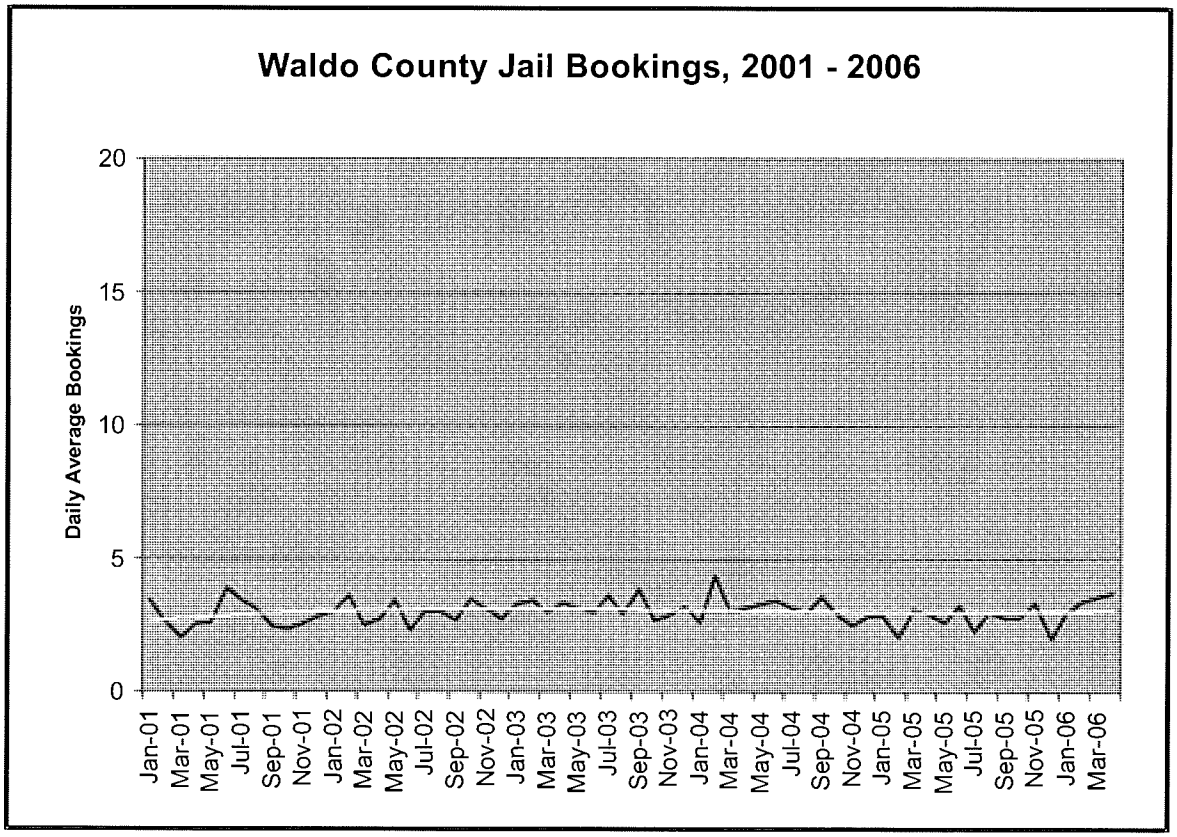


The percentage of inmates who are pending trial (pretrial) in Waldo County appears to be increasing. The daily average percentage of pretrial inmates has grown from 34% in 2003 to 57% in the first four months of 2006. The pretrial population percentage is still below the statewide average of 63%. The chart that follows depicts the average daily population by case status trends from 2001 through the end of April 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out is increasing. Between 2001 and 2003, about 3 inmates per day are boarded out. However, that number goes to 10 per day in 2004 and 2005. Moreover, during the start of 2006, the number of boarded out inmates has increased to approximately 20 per day. The number of inmates who are boarders has been less than one inmate per day on average throughout this analysis.

As with the population trend, bookings have stayed steady during the time studied with about 3 inmates per day being booked into the Waldo County jail. The chart that follows graphically depicts the comparative lack of variation in the data.



DISTRICT AND SUPERIOR COURTS

Waldo County is in the 6th court region along with Knox, Lincoln, and Sagadahoc Counties. The County has one District Court and one Superior Court located in Belfast. The District Court had a total of 2,720 case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 134 criminal cases pending in the Belfast District Court. During the first half of 2006 there were 514 criminal case filings and 576 criminal case dispositions for a clearance rate of 112.1%. The clearance rate is higher than the statewide average of 104.4% when compared to all Maine District Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 1,115 criminal cases in an average of 58 days. The average of 58 days for case disposition ranks 2nd out of 16 Counties.

The District Court oversees four (4) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Waldo Superior Court has one Justice (not necessarily the same Justice) assigned for 5½ months out of the year. In 2005, there were a total of 348 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 121 criminal cases pending in the Waldo Superior Court. During the first half of 2006 there were 164 criminal case filings and 182 criminal case dispositions for a clearance rate of 111%. The clearance rate is significantly above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006 the Court disposed of 266 criminal cases in an average of 146 days. The average of 146 days for case disposition ranks 5th out of 16 Superior Courts.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 6th prosecutorial district along with Knox, Lincoln, and Sagadahoc Counties. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Waldo County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Waldo County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Waldo County on a quarterly basis.

PRETRIAL SERVICES

Volunteers of America Northern New England has been providing pretrial services to Waldo County since 2004. The program is funded by the County and supplemented by supervision fees. Supervision fees are determined by a sliding scale based on the defendant's ability to pay and range from $2 to $10 per week. One full time staff provides services which include screening of defendants in custody, case reviews of detained defendants, and supervision for defendants released to the community pending trial when ordered by the Court. During 2005, VOANNE provided pretrial supervision for 31 defendants; 14 (45%) of whom were also on probation supervision. Four defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 4 for alleged new criminal conduct, and 0 for technical violations (violations of conditions other than FTA and new alleged criminal conduct). As of August 31, 2006, there were 15 defendants under pretrial supervision in Waldo County.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Waldo County is a part of probation region four along with Aroostook, Piscataquis, Hancock, Washington, and Penobscot and Counties. As of August 28, 2006, there were 169 active offenders under supervision in this county.

Washington County, incorporated in 1789, is the easternmost county in Maine and the U.S. The County is 2,569 square miles with an estimated population of 33,448 according to the 2005 U.S. Census population estimates. With 46 cities, towns, and townships, including Machias the county seat, Washington is the 13th most populated County. In addition, Washington County is the 5th largest based on square miles and is the 3rd least densely populated county with a population density of 13 persons per square mile.

LAW ENFORCEMENT

There are six (6) law enforcement agencies in the County in addition to the State law enforcement agencies These 6 agencies employ an estimated 38 full-time sworn law enforcement officers representing a ratio of 1.1 officers per 1,000 residents. This rate is lower than the statewide average of 1.7. The Washington County Sheriff's Office is designated to serve as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 1,226 arrests made in 2004 (1,149 adult and 117 juvenile). Calais PD had the highest volume of arrests (370), followed by the State Police (311), and Washington County SO (294). Reported Index Crimes totaled 733 in 2004 and are provided in the chart below. The County crime rate for 2004 was 21.70. This rate is lower than the 2004 statewide average of 25.28.

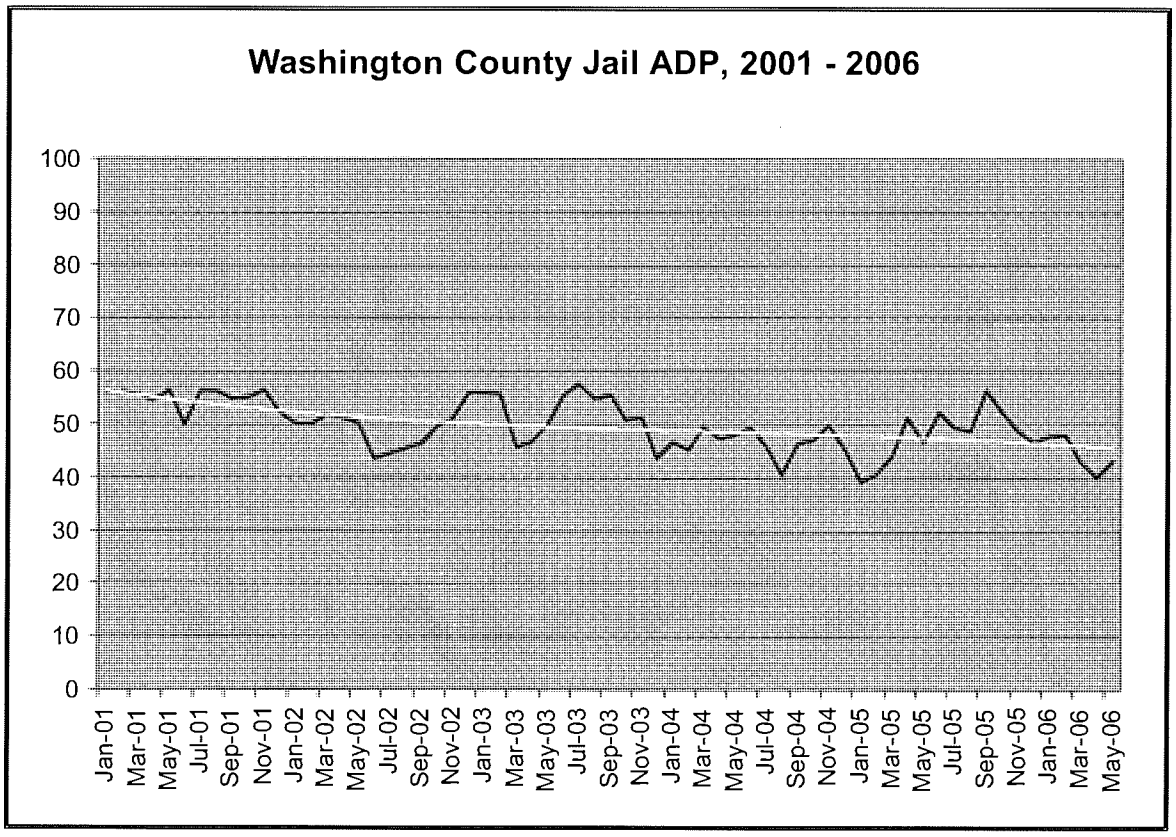
Reported Index Crimes 2004

Washington County — ***January–December 2004***

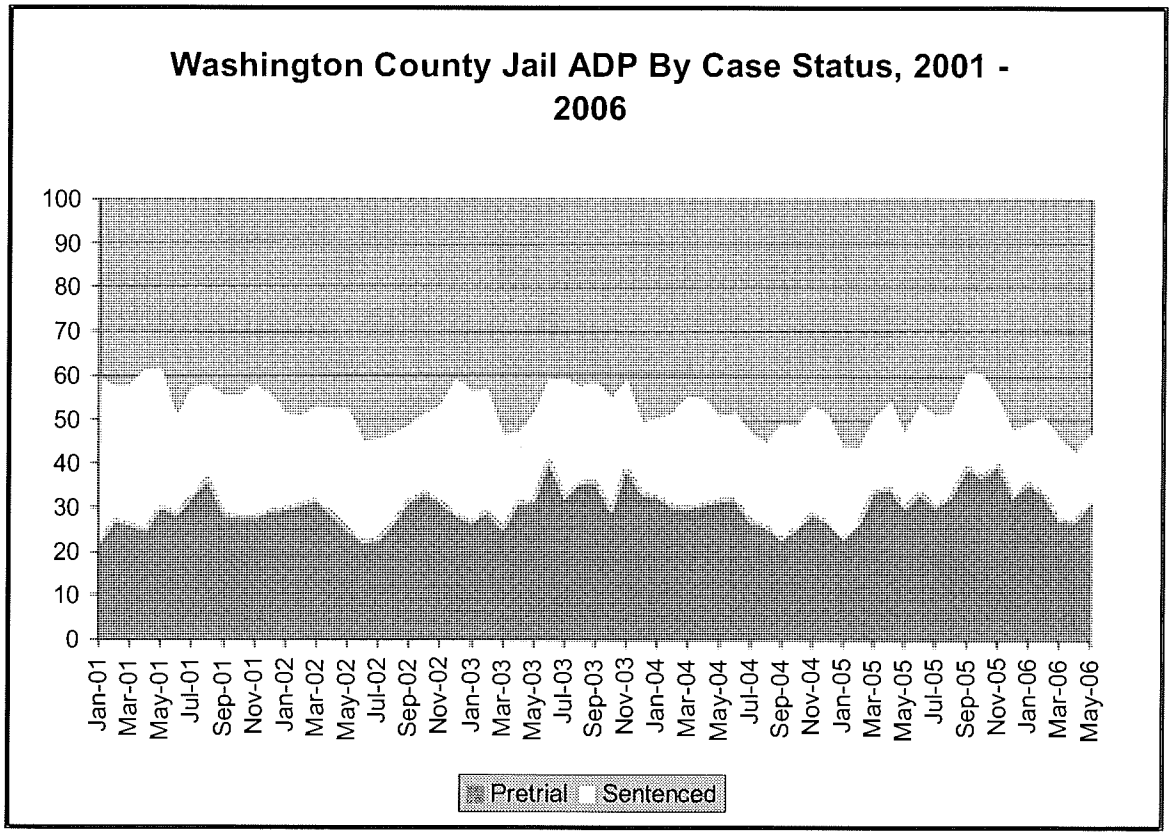
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
Washington SO	—	—	—	—	—	7	55	77	6	—	145	30.3
Calais	3,393	57.47	—	—	—	24	17	146	8	—	195	30.8
Eastport	1,608	18.66	—	1	—	—	6	23	—	—	30	46.7
Machias	2,316	28.50	—	1	—	7	9	47	—	2	66	15.2
Baileyville	1,668	50.96	—	2	—	5	12	62	3	1	85	42.4
Milbridge	1,281	14.05	—	—	—	—	2	16	—	—	18	50.0
Washington SP	—	—	—	4	—	1	70	110	9	—	194	27.8
Washington County Totals	**33,775**	**21.70**	**—**	**8**	**—**	**44**	**171**	**481**	**26**	**3**	**733**	**31.0**
Total Urban Areas	**10,266**	**38.38**	**—**	**4**	**—**	**36**	**46**	**294**	**11**	**3**	**394**	**32.7**
Total Rural Areas	**23,509**	**14.42**	**—**	**4**	**—**	**8**	**125**	**187**	**15**	**—**	**339**	**28.9**

COUNTY JAIL

The Washington County jail is located in the County seat of Machias. The jail has a rated capacity of 42. The Washington County Jail's average daily population of inmates held in custody has generally decreased during the 65 months analyzed. The annual average daily population of inmates held in custody has fluctuated between a high of 55 in 2001 to a low of 45 so far in 2006. Overall, these numbers represent nearly a 20% decrease. As the trend line in the chart that follows indicates, the decrease is fairly consistent throughout the analysis. The mix of inmates by gender has held steady with the percentage of female inmates fluctuating between 14% and 18% during this analysis.

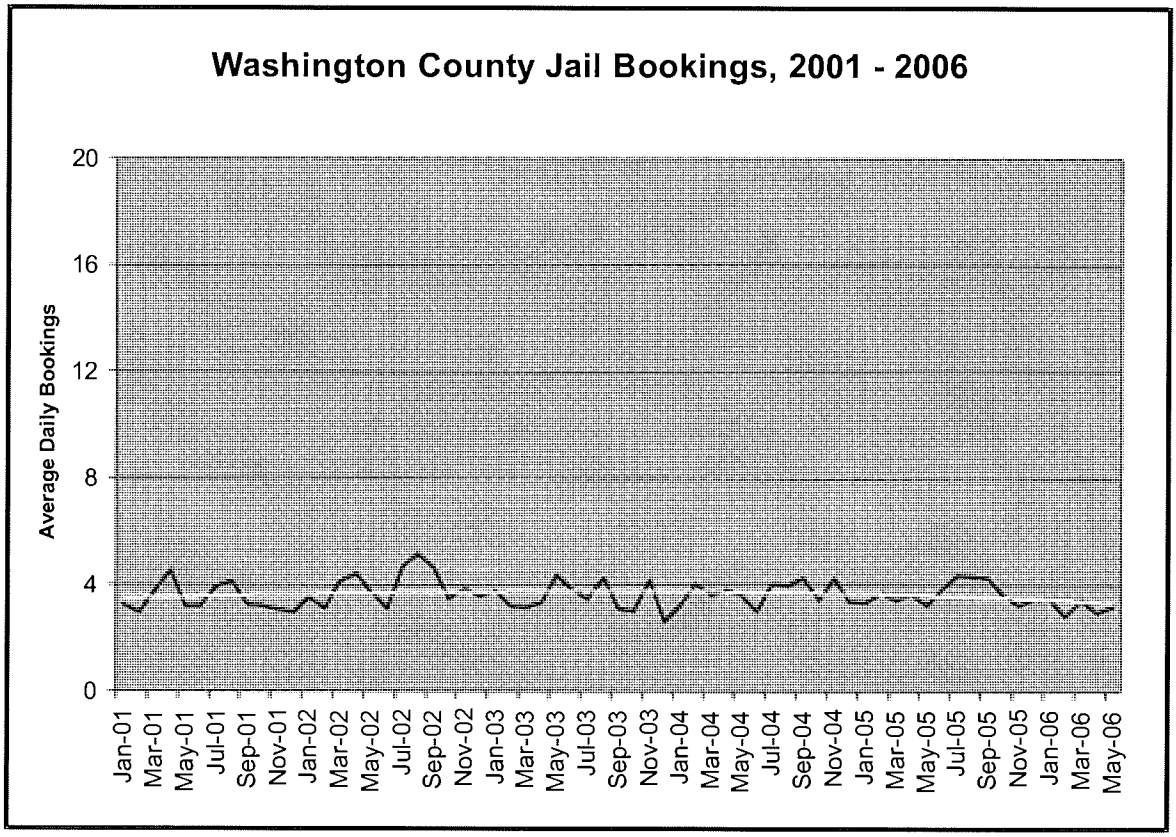


The percentage of inmates who are pending trial (pretrial) in Washington County appears to be increasing. In 2001, 50% of the population was pending trial. However, for the first 5 months of 2006, 66% of the population is pretrial. This growth is pretty consistent throughout the period of analysis. The chart that follows depicts the average daily population by case status trends from 2001 through the end of May 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were some inmates during the analysis who were categorized as boarded out inmates, meaning that they were staying in other jails. The number of inmates boarded out is regularly between 1 and 2 inmates on average per day. The number of boarded inmates ranges between 0 and 3 inmates on average during this analysis.

Bookings have stayed steady between 2001 and 2006, with a very slight decrease thus far in 2006. However, for all years analyzed, the average stays between 3 and 4 inmates per day being booked into the Washington County jail. Females regularly and consistently account for approximately 20% of bookings. The following chart shows the bookings trend between 2001 and May 2006.



DISTRICT AND SUPERIOR COURTS

Washington County is in the 7th court region along with Hancock County. The County has two District Courts located in Machias and Calais and one Superior Court in Machias. The District Courts had a total of 3,429 criminal case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 188 criminal cases pending in the Washington County District Courts. During the first half of 2006 there were 590 criminal case filings and 691 criminal case dispositions for a clearance rate of 117.1%. The clearance rate of 117.1% is significantly above the statewide average of 104.4% when compared to all Maine District Courts. It should be noted that the clearance rates varied by District Court including Calais with 112.9% and Machias with 121.3%. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 1,485 criminal cases in an average of 79.3 days. The average of 79.3 days for case disposition ranks 7th out of 16 Counties.

The District Court oversees eight (8) Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The Washington Superior Court has one Justice (not necessarily the same Justice) assigned for 5½ months out of the year. In 2005, there were a total of 313 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 194 criminal cases pending in the Washington Superior Court. During the first half of 2006 there were 203 criminal case filings and 138 criminal case dispositions for a clearance rate of 68%. The clearance rate of 68% is significantly below the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 217 criminal cases in an average of 245 days. The average of 245 days for case disposition ranks 16th out of 16 Superior Courts.

Washington County operates an Adult Drug Treatment Court. This problem solving court involves a partnership between Washington County Superior and District Courts, Washington County District Attorney's Office, Eastport Health Center, Washington County Sheriff's Office, Calais Police Department, Maine Pretrial Services, and Region Three Probation and Parole. In 2005 there were 38 referrals, 18 admissions into the program, 4 graduations (successful completions), and 3 terminations (unsuccessful completions). As of June 30, 2006, there were 22 people participating in the Adult Drug Treatment Court program.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 7th prosecutorial district and serves the Counties of Washington and Hancock. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

Washington County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, Washington County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in Washington County every other month.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to Washington County since 2003. The program is funded by the County and is supplemented by supervision fees of $25, which are one time fees charged to defendants who are not indigent and for whom drug testing is ordered as a condition of release. One full time staff provides services which include paper file reviews for all detained defendants incarcerated at the Washington County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 181 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 77 defendants; 23% (18) of whom were also on probation supervision. Seven defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 6 for alleged new criminal conduct, and 1 for technical violation (violations of conditions other than FTA and new alleged criminal conduct).

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. Washington County is a part of probation region four along with Aroostook, Piscataquis, Hancock, Waldo, and Penobscot and Counties. As of August 28, 2006, there were 217 active offenders under supervision in this county.

YORK COUNTY

York County, incorporated in 1639, is the southernmost county in Maine. The County is 991 square miles with an estimated population of 202,315 according to the 2005 U.S. Census population estimates. With 29 cities, towns, and townships, including Alfred the county seat, York is the 2nd most populated County. In addition, York County is the 9th largest based on square miles and is the 3rd most densely populated county with a population density of 189 persons per square mile.

LAW ENFORCEMENT

There are 16 law enforcement agencies in the County in addition to the State law enforcement agencies These 16 agencies employ an estimated 313 full-time sworn law enforcement officers representing a ratio of 1.6 officers per 1,000 residents. This rate is slightly lower than the statewide average of 1.7. The York County Sheriff's Office is designated to serve as the warrant repository for the County per Title *15, Ch 99, §603. Warrant Repository* of the Maine Revised Code.

There were 8,449 arrests made in 2004 (6,825 adult and 1,624 juvenile). Biddeford PD had the highest volume of arrests (2,420), followed by the Sanford PD (872), and Old Orchard Beach PD (834). Reported Index Crimes totaled 3,955 in 2004 and are provided in the chart below. The County crime rate for 2004 was19.80. This rate is lower than the 2004 statewide average of 25.28.

Reported Index Crimes 2004

York County — ***January–December 2004***

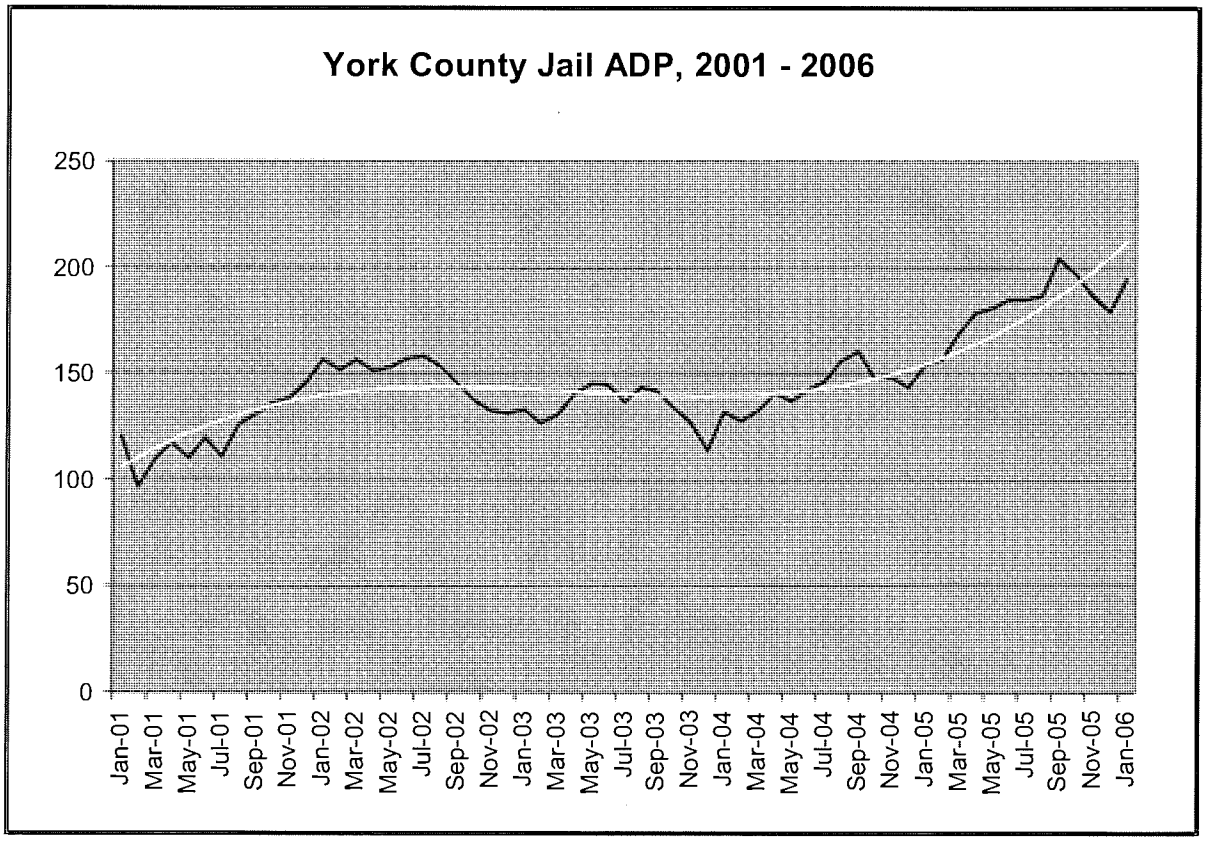
Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	M/V Theft	Arson	Total Index Crimes	Clearance Rate
York SO	—	—	—	11	4	22	126	193	10	1	367	52.0
Biddeford	21,876	39.50	1	11	9	32	105	671	27	8	864	32.9
Kittery	10,273	15.38	—	—	1	—	25	127	5	—	158	10.1
Old Orchard Beach	9,303	24.51	—	3	4	4	48	143	24	2	228	18.9
Saco	18,034	29.83	—	7	8	8	88	388	35	4	538	24.2
Sanford	21,857	31.66	—	20	12	9	117	505	23	6	692	13.7
Berwick	7,073	13.15	—	—	—	1	7	79	4	2	93	31.2
Eliot	6,384	4.39	—	—	—	—	5	22	1	—	28	21.4
Kennebunk	11,362	15.23	—	1	1	6	23	138	4	—	173	21.4
Kennebunkport	3,998	18.01	—	—	—	—	7	63	2	—	72	23.6
North Berwick	4,693	2.13	—	—	—	1	2	5	—	2	10	20.0
Ogunquit	1,275	38.43	—	—	—	3	6	39	—	1	49	22.4
South Berwick	7,261	8.54	—	2	1	1	15	40	3	—	62	8.1
Wells	9,993	24.52	—	—	2	4	40	187	12	—	245	30.6
York	13,508	12.96	—	3	—	5	21	141	4	1	175	20.0
Buxton	7,983	16.91	—	1	1	4	29	89	10	1	135	24.4
York SP	—	—	1	—	—	5	21	37	2	—	66	24.2
York County Totals	**199,774**	**19.80**	**2**	**59**	**43**	**105**	**685**	**2,867**	**166**	**28**	**3,955**	**25.9**
Total Urban Areas	**154,873**	**22.74**	**1**	**48**	**39**	**78**	**538**	**2,637**	**154**	**27**	**3,522**	**23.2**
Total Rural Areas	**44,901**	**9.64**	**1**	**11**	**4**	**27**	**147**	**230**	**12**	**1**	**433**	**47.8**

COUNTY JAIL

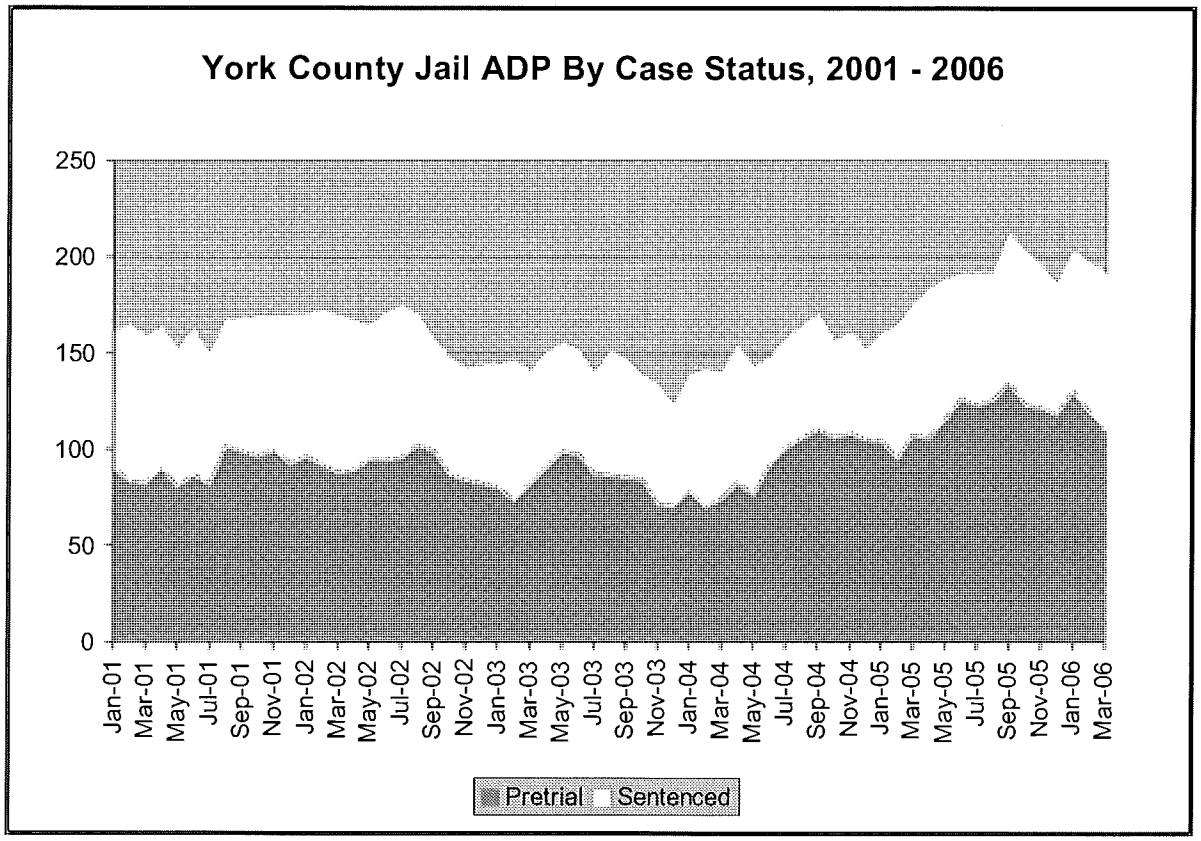
The York County jail is located in the County seat of Alfred. The jail has a rated capacity of 286 which includes a 60 bed Pre-release Center that has yet to open. Two separate data analyses were completed for York County. Summary data of monthly reports from the jail were provided by the Department of Corrections for the period 2001 through the end of March 2006. In addition, the jail provided a data set that included data for all defendants booked into the jail between August 2003 and July 2006. The analysis is presented in two sections below based on the source of the data.

DOC MONTHLY REPORT DATA

The York County Jail's average daily population of inmates held in custody has significantly increased from 2001 through the first 3 months of 2006. The annual average daily population of inmates held in custody has fluctuated between a low of 122 in 2001 to a high of 190 so far in 2006, representing a 50% increase. The rate of increase greatly accelerated beginning in early 2004 through 2005. This increase coincides with the closing in January 2004 of the old 148 bed jail and the opening of the new 286 bed jail (excluding the 60 pre-release beds). The average daily population for 2005 represents a 26% increase over 2004. The mix of inmates by gender randomly varies with the percentage of female inmates fluctuating between 6% and 11% during this analysis.

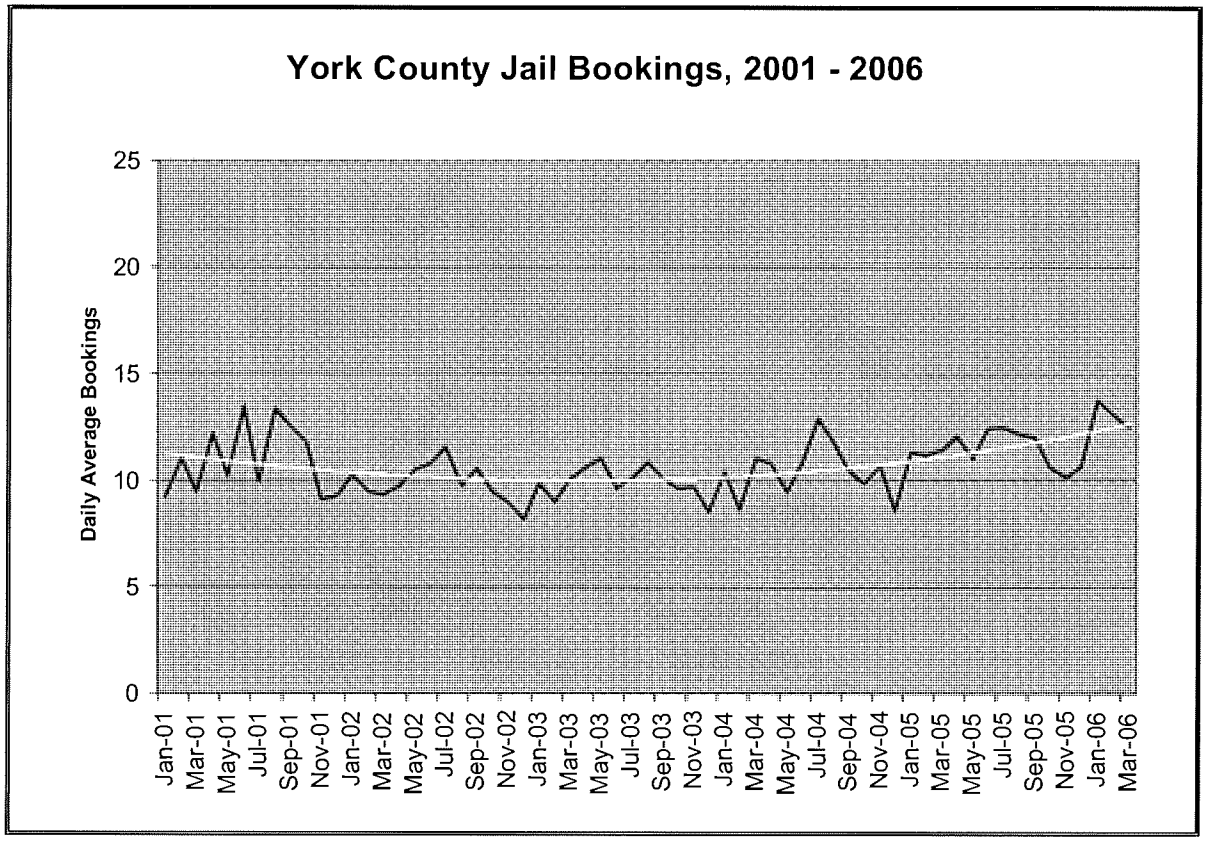


The percentage of inmates who are pending trial (pretrial) in York County appears to be increasing. In 2001, 55% of the inmates were pending trial. This number increased in 2004 and 2005 with over 62% of the population in pretrial status. For the first 3 months of 2006, nearly 61% of the inmates held were pending trial. The chart that follows depicts the average daily population by case status trends from 2001 through the end of March 2006. Please note that the ADP level in the chart below does not match the previous chart because the case status statistics also include inmates who are boarded out to other county jails or held in other facilities.



There were zero (0) boarders on a daily basis between 2001 and 2003. In 2004, the average is 8 inmates. In 2005, the number increases to 24. So far in 2006, the number is over 30. Meanwhile, the reverse process occurs for inmates who are boarded out to other counties. In 2001, the number is 40, but then drops to between about 3 and 5 in 2004, 2005 and 2006.

Bookings have increased, with some fluctuations, from 11 in 2001 to 13 in the first quarter of 2006. As the following chart suggests, the increase is not as pronounced as the increase in the jail's population. However, it is clear that more inmates are coming into the jail on a daily basis than in the past, which certainly explains a portion of the population increase. Part of the booking increase, in addition to the increase in boarders, is due to the fact that more females are being booked into the jail. In 2001, 14% of the bookings involved females. By 2006, that percentage is over 18%.



JAIL BOOKING DATA

Data for this analysis was provided by the York County jail. The data included information for every inmate booked into the jail from August 2003 through July 2006.

Race

The racial breakdown of the inmates booked into the jail during the specified timeframe can be found in the following table.

Race	Number	Percent
Asian	63	0.5%
Black	437	3.4%
Indian	25	0.2%
Unknown/Other	167	1.3%
White	12,104	94.6%
Total	12,796	100.0%

Gender

Approximately 18% of the inmates in the analysis were female. Across the nation females typically account for approximately 12% to 20% of the bookings if not the incarcerated population. The table below provides the totals and percentages based on gender.

	Female	Male	Total	Female	Male
York County	2,247	10,548	12,796	17.6%	82.4%

Age

The age distribution of the inmates at the time of booking for York County Jail is provided in the table that follows. The overall average age of the study population was 31.9. The average age of males was 31.8 and the average age of females was 32.6.

Age	Total	Percent
18-24	4,008	31.3%
25-34	3,842	30.0%
35-44	3,179	24.8%
45-54	1,357	10.6%
55-64	319	2.5%
65+	84	0.7%
Less Than 18	7	0.1%
Total	12,796	100.0%

Education

The educational achievement of York County inmates, as measured by the self-reported number of completed years in school is presented in the following table.

Education	Total	Percent
Less Than HS	1045	8.2%
Some HS	2525	19.7%
HS Graduate	6743	52.7%
Some College	1501	11.7%
College Graduate	397	3.1%
Post College Graduate	146	1.1%
Unknown	439	3.4%
Total	12,796	100%

Intoxicated at Time of Booking

York County collects, and is able to retrieve, information regarding inmates who enter the jail intoxicated. Of the 10,279 inmates who have a determination made in the database, 2,403 (23.4%) were classified as intoxicated at the time of booking.

Marital Status

York County also collects information detailing the marital status of inmates. The results seem somewhat surprising in that the number of single individuals appears to be higher than what one would expect. The table below details the breakdown of York County inmates by marital status.

Status	Total	Percent
Divorced	1,829	14.3%
Married	2,424	19.0%
Other	193	1.5%
Single	8,191	64.0%
Unknown	159	1.2%
Total	12,796	100%

Charges

York County supplied the charges for each individual inmate. As is usually the case, a large proportion of these inmates had multiple charges against them during their incarceration. It proved difficult to determine which charge would be the primary charge for each inmate. For this reason, an analysis was completed which included all of the charges for the inmates and summary statistics are

provided based on the totality of charges. Note that this number adds up to much more than the inmate population and booking numbers reported above.

Charges	Total	Percent
Alcohol	147	0.3%
Assault	4,037	8.7%
Domestic Violence	342	0.7%
Drugs	1,570	3.4%
Failure to Appear	3,604	7.8%
Failure to Pay Fine	3,001	6.5%
Murder/Manslaughter	27	0.1%
Other/Unknown	5,045	10.9%
OUI	3,676	7.9%
Property Crimes	3,376	7.3%
Public Order Offenses	4,419	9.5%
Robbery	175	0.4%
Sexual Offenses	249	0.5%
Traffic	4,477	9.6%
Violation of Conditional Release	5,820	12.5%
Violation of Probation	5,349	11.5%
Violation of Protective Order	914	2.0%
Weapons	196	0.4%
Total	46,424	100%

The charges were grouped according to some fairly broad areas of crime/violation type. The 'murder/manslaughter' category also includes attempted murder and attempted manslaughter. The 'Other' category is a catch-all for the hundreds of charges that had fairly small numbers individually. Property crimes were defined as any charge involving burglary, trespassing, theft, fraud, etc. Public order offenses were defined as charges such as harassment, disturbances, terrorizing, disorderly conduct, obstructing justice, etc. Sexual offenses include prostitution, any charge involving sexual contact, and failure to register offenses. Criminal process violations, such as failures to appear, failures to pay fines, and probation violations constitute nearly 40% of the offenses tallied in the study.

Release Reason

The type of release for the inmates in this analysis was analyzed. The following table below contains the numbers and percentages of releases by release type.

Release Type	Total	Percent
Bail	6,781	53.0%
Court Release	150	1.2%
Death	7	0.1%
Dismissed	233	1.8%
Fine Paid	331	2.6%
Other Agency	1,988	15.5%
Other/Unknown	213	1.7%
Probation Hold Lifted	219	1.7%
Time Served	2,874	22.5%
Total	12,796	100%

Average Length of Stay

The average length of stay of inmates in the analysis was calculated by averaging the length of incarceration for all defendants booked into the jail. Some inmates who were booked into the facility and were not released at the time the data was provided were excluded from the analysis. In addition, for defendants who were booked and released on the same calendar day, the length of stay was counted as one day. For the entire length of this analysis, the overall average length of stay is 18.9 days. Females stay 9.9 days on average and males stay 20.9 days. The disparity between female and male average length of stay matches findings in county jails across the country. The average length of stay across the 3 years studied varied and included the following: 2003 – 16.9 days, 2004 – 14.6 days, 2005 – 25.8 days, and January through July 18, 2006, – 15.7 days.

DISTRICT AND SUPERIOR COURTS

York County is the only county in the 1st court region. The County has three District Courts located in Biddeford, Springvale, and York and one Superior Court in Alfred. The District Courts had a total of 18,830 criminal case filings in 2005 but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 1,693 criminal cases pending in the York County District Courts. During the first half of 2006 there were 4,571 criminal case filings and 4,830 criminal case dispositions for a clearance rate of 105.7%. The clearance rate of 105.7% is above the statewide average of 104.4% when compared to all Maine District Courts. It should be noted that the clearance rates range by District Court including York with 90.5%, Springvale with 99.8%, and Biddeford with 118.9%. For the period July 1, 2005 through June 30, 2006 the Courts disposed of 9,891 criminal cases in an average of 110.3 days. The average of 110.3 days for case disposition ranks 15th out of 16 Counties.

The District Court oversees 15 Bail Commissioners currently appointed in the County. The Bail Commissioners are contacted on a rotating basis to set preconviction bail for defendants in criminal proceedings as authorized under *Title 15, Chapter 105-A, §1023* and respond primarily to calls from Police Departments and the Sheriff's Office. Bail Commissioners set bails by phone and execute bails in person at either the jail, police department, or another location as deemed appropriate.

The York Superior Court has two Justices (not necessarily the same Justices) assigned 12 months out of the year. In 2005, there were a total of 3,110 case filings but it is unknown how many of these were adult criminal cases. As of June 30, 2006, there were 1,103 criminal cases pending in the York Superior Court. During the first half of 2006 there were 1,443 criminal case filings and 1,398 criminal case dispositions for a clearance rate of 96.9%. The clearance rate of 96.9% is above the statewide average of 90.8% when compared to all Maine Superior Courts. For the period July 1, 2005 through June 30, 2006, the Court disposed of 2,612 criminal cases in an average of 202 days. The average of 202 days for case disposition ranks 13th out of 16 Superior Courts.

York County operates an Adult Drug Treatment Court. This problem solving court involves a partnership between the York County Superior Court, York County District Attorney's Office, Counseling Services, Inc., York County Shelters, Maine Pretrial Services, and Region One Probation and Parole. In 2005 there were 40 referrals, 23 admissions into the program, 22 graduations (successful completions), and 12 terminations (unsuccessful completions). As of June 30, 2006, there were 21 people participating in the Adult Drug Treatment Court program.

DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office is located in the 1st prosecutorial district and serves York County. The DA's office prosecutes all criminal cases (except murders and other special cases, which are handled by the Attorney General) which occur within that district. There is a Victim Witness Advocate (VWA) within the DA's Office to assist victims and witnesses through the criminal justice process by acting as a liaison for the victim/witness and the court, and to provide support and understanding in order to ensure that victim's rights are protected. The VWA also assists with ensuring the requirements of victims rights are met pursuant to *Title 15, §6101, Victim Involvement in Criminal Proceedings.*

DEFENSE ATTORNEYS

York County is served by Lawyers of the Day who are provided by the Court at no cost and are available at all initial proceedings/arraignments in District and Superior Courts for defendants to discuss their cases if they so desire. In addition to attorneys who can be hired by a defendant, York County maintains a pool of private practice attorneys who are assigned to a defendant by the Court if they lack the financial ability to hire a defense attorney on their own behalf.

GRAND JURY

A grand jury is summoned in York County on a monthly basis.

PRETRIAL SERVICES

Maine Pretrial Services has been providing pretrial services to York County since 1990. The program is funded by the County. Two full time staff provide services which include paper file reviews for all detained defendants incarcerated at the York County Jail, brief pre-arraignment screenings for the majority of in-custody defendants prior to initial appearance, and supervision of defendants released into the community pending trial. During 2005, MPS screened 340 defendants which included thorough defendant interviews, verification of information, and case work-ups. Pretrial supervision was provided to 198 defendants; 25% (49) of whom were also on probation supervision. Sixty-five defendants had their bail revoked while under pretrial supervision as follows: 0 for failure to appear, 14 for alleged new criminal conduct, and 51 for technical violation (violations of conditions other than FTA and new alleged criminal conduct). As of June 30, 2006, there were 58 defendants under pretrial supervision.

PROBATION SERVICES

Probation Services are provided by the Maine Department of Corrections - Adult Community Corrections division. York County is a part of probation region one along with Cumberland County. As of August 28, 2006, there were 644 active offenders under supervision in this county.

The findings and recommendations presented here are grouped based on the key system participant that will likely most be affected by the implementation of the recommendation. The order of presentation matches the order of discussion of the key system participants in the report and in no way signifies an order of priority or importance.

LAW ENFORCEMENT

FINDING ONE

The utilization of summonses in lieu of arrests varies significantly among arresting agencies. Jail staff and law enforcement agencies reported the causes of the variation to be relate to the size of the arresting agency, the distance between the arrest and jail location, and the preferences of individual officers (see *Issuance of Summons in Lieu of Arrest,* pg. 6). The utilization of summonses in lieu of arrests, when appropriate, can reduce the unnecessary utilization of jail and other system resources.

RECOMMENDATION ONE

Counties, in partnership with local law enforcement agencies, are encouraged to examine the frequency of the utilization of summonses for eligible offenses within and between arresting agencies. The perceived disparity in the utilization of summonses based on the size, location, and practices of the individual agencies and officers should be further explored. Law enforcement agencies should develop or review policies related to the utilization of summonses and ensure that by policy, practice, and through training, officers are strongly encouraged to utilize summonses in lieu of arrests per *Title 17-A, Chapter 1, §15-A, Issuance of summons for criminal offense* whenever allowable and appropriate.

FINDING TWO

Fifteen of the 16 counties have a law enforcement agency designated as a warrant repository (see *Warrant Repository*, pg. 6). The utilization of a warrant repository is an efficient and effective way to store, track, and locate warrants within a county. One central repository, in some counties, replaces the potential of having dozens of agency specific repositories. Cumberland County is the sole county without a designated law enforcement agency serving as a warrant repository. Warrants are currently maintained by each of the 15 local law enforcement agencies in Cumberland County.

RECOMMENDATION TWO

Cumberland County is encouraged to identify and designate one law enforcement agency to serve as a warrant repository for the County.

FINDING THREE

Compliance with *Title 25, Ch 341, §2803-B. Requirements of law enforcement agencies* varies significantly as it relates to victim notification of a defendant's release from jail. The variation appears to be dependent upon the arresting agency providing sufficient victim contact information at

the time of jail booking and the quality of the system in place at the jail to trigger victim notification upon release (see *Domestic Violence Information and Victim Notification*, pgs. 6-7).

RECOMMENDATION THREE

Law enforcement agencies, in partnership with Sheriff's Offices, are encouraged to review and revise as needed current policies to ensure compliance with *Title 25, Ch 341, §2803-B* as it relates to victim notification. Additionally, law enforcement agencies and Sheriff's Offices are encouraged to require the arresting officer to provide sufficient victim contact information at the time of booking and there should be a system in place at each jail to ensure victim notification of a defendant's release in all cases of domestic violence.

COUNTY JAILS

FINDING FOUR

Jail data management is accomplished at most jails through an automated IMS with the exception of Somerset County, which maintains a manual system. Local inmate management systems vary and include several public and private domain software systems. The 14 jails with an IMS maintain local databases, which range from simple stand-alone systems to very advanced systems that integrate information between the Sheriff's Offices and local public safety departments including police, emergency medical services, and fire. The more advanced systems include records management as well as software for managing the day-to-day operations of jails, law enforcement, dispatch, the 911 system, and personnel. One County, Knox, is interfaced with the Maine Department of Corrections Coris system. The quantity and quality of the data contained in the systems vary significantly as well as each jail's ability to query their respective system. The variation in data and the ability to query systems prevents meaningful jail data analysis in many cases at the county and state levels (see *County Jails*, pgs. 7-8).

RECOMMENDATION FOUR

A. Somerset County is encouraged to implement an IMS.

B. It is recommended that guidelines for minimum data collection be developed on a statewide basis and adhered to by local jails. The guidelines should require the documentation of required data elements in a standardized and automated fashion that are critical to jail management and system assessment on both the local and state levels. The required data must include information related to the criminal justice status at the time of the arrest (e.g. active probation, parole, pretrial services, and bail), prior criminal history, residence, employment, substance use, health, bail, sentence, length of stay, and jail classification.

C. Sheriff's Offices are encouraged to have at least one staff person who is proficient with the IMS and can conduct independent queries of the system and produce meaningful data and related reports.

FINDING FIVE

Fingerprints are obtained during the booking process by county jails for most inmates charged with criminal offenses. Fingerprints are obtained either by utilizing ink print cards or an automated fingerprint identification system (AFIS). The few jails that utilize an AFIS are either not connected to the State Police, or if they are connected, they are not setup to receive an automated response regarding a 'match' to the prints held in the SBI or NCIC databases (see *County Jails*, pg. 7). Being able to obtain a confirmation of identify based on fingerprints or to determine that a defendant has never been arrested and fingerprinted on a state or national level (excluding the few states that do not participate in NCIC) is an extremely valuable piece of information for jail staff, law enforcement, Bail Commissioners, the District Attorney's Office, and the Court. Confirmation of defendant identity and the ability to access the corresponding criminal history allows for the most informed and effective bail decision, jail classification, charging decision, and case disposition.

RECOMMENDATION FIVE

County jails are encouraged to secure and implement AFIS systems. The AFIS should be integrated with the existing local IMS to reduce duplication of work and connected to the State Police. At the state level the Maine State Police is encouraged to pursue the ability to produce an automated response regarding a match of prints from either the SBI or NCIC databases. It must be noted that this functionality is being provided successfully in many other states nationwide, including Virginia, which could be used as a model for planning and implementation.

FINDING SIX

There is significant variation between jails regarding access to criminal history information. Some jails have no access to state and national criminal records, some jails have limited and/or indirect access to SBI and NCIC records, while other jails have direct access to these records. In addition, policies relating to accessing criminal records as a part of the booking process also vary (see *County Jails*, pg. 7). A defendant's criminal history is a critical component of accurate jail classification and bail decision-making. Having no or limited criminal history information can significantly reduce the accuracy of jail classification and bail setting and, in some cases, can lead to an unintended increase in danger to the community.

RECOMMENDATION SIX

County jails are encouraged to work with the State Police to secure access to state and national criminal records through SBI. These records should be accessed routinely as a part of the booking process. This information should be used for jail classification and provided to Bail Commissioners for consideration while setting bail. This functionality is being provided successfully in many other states nationwide, including Virginia, which could be used as a model for planning and implementation.

It must be acknowledged that there are significant potential barriers to implementing this recommendation. First, jails need to be provided access to these records and allowed to use them for the stated purposes. Second, the documentation required to obtain these records should not be such that it inhibits access for appropriate use. Third, the current SBI record can be extremely difficult to decipher in its current format and should be modified to allow for significantly easier identification of criminal convictions.

FINDING SEVEN

The function of a Bail Commissioner is to set preconviction bail for defendants in criminal proceedings. Eligibility requirements for Bail Commissioners consist of completing a bail training program within one year following their appointment and being a resident of Maine. The current Bail Commissioner training is provided by the District Court and consists of a one day training curriculum (see *Bail Commissioners*, pg. 19). The requirements of Bail Commissioners are insufficient to ensure the most effective application of the Maine Bail Code as it relates to setting preconviction bail. The most effective application of the bail code includes complete compliance with all related code sections while maintaining the legal and constitution rights of pretrial defendants.

RECOMMENDATION SEVEN

The District Court is encouraged to significantly expand the training for Bail Commissioners to include, at a minimum, training on the components listed below.

A. The presumption of innocence and its role in bail setting.

B. The right to due process of law as provided by the Fifth Amendment of the U.S. Constitution and its application to the restriction of a person's liberty through incarceration and setting conditions of release pending trial.

C. The right to equal protection under the law as provided by the Fourteenth Amendment of the U.S. Constitution, specifically, honoring equal protection under the law based on race, ethnicity, religious beliefs, and financial status when setting bail.

D. The right to bail that is not excessive as provided by the Eighth Amendment of the U.S. Constitution. This should include, at a minimum, the following: a review of the history of bail generally, the U.S. Supreme Court Case *Stack v. Boyle (342 U.S. 1 [1951])*, the Bail Reform Act of 1966, the Bail Reform Act of 1984, and the U.S. Supreme Court case of *U.S. v. Salerno (481 U.S. 739 [1987])*.

E. A thorough review of the Maine Bail Code.

F. Practice exercises with a variety of bail setting scenarios.

In addition, Bail Commissioners should assume their duties only after the successful completion of the required bail training.

FINDING EIGHT

Community safety is specified as a bail consideration in the purpose statement for bail, however, community safety is absent throughout the remainder of the Maine Bail Code as it relates to standards for release for crimes bailable as of right preconviction (see *Purpose of Bail*, pg. 20). Arguably, it is unclear whether or not community safety should be considered by a judicial officer while setting preconviction bail. Discussions with judicial officers revealed varying practices related to the consideration of community safety when setting preconviction bail.

RECOMMENDATION EIGHT

It is recommended that the Maine Bail Code be revised in all areas necessary to provide for the consideration of community safety while setting preconviction bail. Precedent can be found for the code section modifications at the federal level through the Bail Reform Act of 1984 and at the state level through the estimated 45 states that provide for the consideration of community safety when setting preconviction bail.

FINDING NINE

The standardized Conditions of Release form is not consistent with the Maine Bail Code (see *Types of Bond and Conditions of Release*, pgs. 20-21). Specifically, the first and third additional conditions of release vary in wording and meaning when compared to the bail code. The code specifies "refrain from use or excessive use of alcohol and from any drugs" while additional condition number one of the Conditions of Release form also includes possession of alcohol or drugs and submission "to chemical tests and searches of my person, vehicle and residence at any time and without probable cause to determine if I have violated this prohibition." In addition, submission "to searches of my person, vehicle and residence at any time and without probable cause" is found in additional release condition number three, yet this language is absent in the Maine Bail Code. Significant constitutional issues are raised when a pretrial defendant is required to give up their constitutional right against unlawful search and seizure as provided for in the Fourth Amendment of the U.S. Constitution. In addition, the application of these conditions is extremely wide in scope and may have significant legal consequences for citizens not involved in the criminal justice system who may reside or travel in a vehicle with the defendant. Finally, a condition of requiring a defendant (an accused person who is presumed innocent) to waive probable cause to search their person, vehicle, or residence at any time is not supported by the Maine Bail Code and is arguably an excessive condition of bail per the Eighth Amendment.

RECOMMENDATION NINE

It is recommended that the standardized Conditions of Release form be modified to remove the word 'possess' in additional condition number one and the requirement of submission to searches of person, vehicle, and residence at any time and without probable cause from additional condition numbers one and three.

FINDING TEN

The quantity and quality of information provided verbally over the phone to Bail Commissioners for bail consideration related to criminal history and criminal justice matters varies significantly between law enforcement agencies and jails. Information related to a defendant's character and physical and mental condition; family ties in the State; employment history in the State; financial resources; length of residence in the community and community ties; and past conduct, including any history relating to drug or alcohol abuse, is infrequently provided. Bail setting practices vary significantly among Bail Commissioners, and in many cases, among Counties (see *Procedures for Setting and Executing Bail,* pg. 22*)*. The bail decision, to release or detain a defendant pending trial and the setting of conditions of release when appropriate, is a monumental task. This task carries significant consequences not only for the pretrial defendant but also for the safety of the community, the integrity of the judicial process, and the utilization of our often overtaxed criminal justice resources. Comprehensive and accurate defendant information is critical to ensuring the most appropriate bail decision.

RECOMMENDATION TEN

It is recommended that minimum standards be developed regarding the information that is provided to Bail Commissioners when setting preconviction bail. This information should be consistent with *§1026.4 Factors to be considered in release decision* of the Maine Bail Code. As referenced in finding and recommendation six, this information should include a history of state and national criminal convictions.

FINDING ELEVEN

Bail Commissioners are not compensated for setting bail; however, they are usually paid a $40 fee for the execution of a bail. The payment of the BC fee is contingent upon the defendant being able to meet the terms of bail and either the defendant having the ability to pay the fee or the respective jail having a fund to pay the fee on behalf of indigent defendants (see *Bail Commissioner Compensation*, pg. 22). There are times when Bail Commissioners set bails that are never executed and time when they execute bails without compensation; however, the relative frequency of these occurrences remains unknown. The current system for compensating Bail Commissioners is fraught with potential conflicts and difficulties. First, Bail Commissioners are contacted 24 hours a day 7 days a week to set bail without compensation. Second, Bail Commissioners are only paid if a defendant is able to meet the terms of bail; providing a financial incentive for Commissioners to set a bail that can be met by the defendant. Third, defendants cannot be held in jail for failure to pay a fee, which means that a BC is at a higher risk for not receiving compensation if they set a PR or unsecured bail. This can lead to two additional issues - either Bail Commissioners are compensated less frequently for these types of bails or there may be a reduction in the utilization of PR and unsecured bail by Commissioners.

RECOMMENDATION ELEVEN

It must be acknowledged that there is no simple solution or quick fix to address this finding. It is recommended that the current system for Bail Commissioner compensation be reformed in such a way that it addresses the above documented problems, specifically, removing any financial incentive that could influence bail setting practices and ensuring that Commissioners are adequately compensated for their services in all circumstances.

FINDING TWELVE

Defendants are not to be detained pending trial solely due to their inability to pay the Bail Commissioner Fee (see *Bail Commissioner Compensation*, pg. 22). Practices vary from county jail to county jail regarding how long a defendant will be held in custody due to their inability to pay the fee before a Bail Commissioner is contacted to execute the bail without compensation. The amount of time Corrections Officers reported waiting for a defendant to secure the fee before contacting a Bail Commissioner varied from 1 to 48 hours, with the exception of one jail, which reported holding a defendant until their initial appearance before a Judge or Justice.

RECOMMENDATION TWELVE

It is recommended that a statewide policy be developed and issued by the most appropriate authority, which requires the release of defendants from custody after a maximum period of time if they are unable to secure the bail fee.

FINDING THIRTEEN

A finding of probable cause determination must be made within 48 hours of a warrantless arrest (see *Probable Cause Determination Upon a Warrantless Arrest*, pg. 23). All jails reported having a system in place to track this requirement with varying levels of effort to contact either the arresting law enforcement agency or the District Attorney's Office of the upcoming deadline for probable cause. All jails with the exception of Androscoggin County reported releasing the defendant as per the rule if probable cause has not been determined within the time specified.

RECOMMENDATION THIRTEEN

County Sheriff's Offices, in partnership with local law enforcement and the District Attorney's Offices, are encouraged to review current policies related to probable cause determination requirements. Modifications to policies should be made when necessary to decrease the rate at which defendants must be released from custody because a PC Affidavit could not be obtained. In addition, Androscoggin County is encouraged to modify their policy to include releasing a defendant when probable cause is required but has not been determined.

FINDING FOURTEEN

Defendants arrested for a crime who are detained must be brought before a Judge or Justice no later than 48 hours after the arrest, excluding Saturdays, Sundays, legal holidays, and court holidays (see *Initial Proceedings/Arraignment [District Court]*, pg. 24 and *Initial Appearance [Superior Court]*, pg. 26). Initial appearances may be conducted by audiovisual device in the discretion of the Court. If a Judge or Justice is not available in the assigned Court to conduct the proceedings a defendant must be transported to the nearest Court with an available Judge/Justice. There are currently two counties, Kennebec and Aroostook, utilizing audiovisual equipment to conduct initial appearances and arraignments. Audiovisual devices are planned for installation in all Courts by 2007. The use of audiovisual devices to conduct initial appearances and arraignment are proven to reduce human and financial resources due to the elimination of transporting inmates to these hearings. In addition, not having to remove inmates from the secure environment reduces the potential for security breaches when inmates return.

RECOMMENDATION FOURTEEN

All county jails are encouraged to obtain and implement audiovisual devices that are compatible with the Courts current infrastructure. In addition to initial appearances and arraignments, the Courts, county jails, and other relevant criminal justice system participants are encouraged to explore additional uses of this technology whenever appropriate.

FINDING FIFTEEN

Information available to Judges and Justices for bail consideration at arraignments and initial appearances is generally provided by the District Attorney and defense attorney (usually a Lawyer of the Day). The quantity and quality of information related to criminal history and criminal justice matters varies significantly within and between District Attorney's Offices. Criminal history information ranges from county specific history only to county, state, and national criminal records. Non-criminal history defendant information is usually limited to unverified self-reported information provided by the defendant to the defense attorney (see *Initial Proceedings/Arraignment [District Court]*, pg. 24 and *Initial Appearance [Superior Court]*, pg. 26). The bail decision has significant consequences for the pretrial defendant, the safety of the community, the integrity of the judicial process, and the

utilization of our often overtaxed criminal justice resources. Comprehensive and accurate criminal history and other defendant information is critical to ensuring the most appropriate bail decision.

RECOMMENDATION FIFTEEN

The recommendation to this finding has been incorporated into recommendation twenty-one. The recommendation includes the expansion of Pretrial Services in order to conduct comprehensive pretrial investigations and provide reports to Judges and Justices, as well as District Attorneys and Defense Attorneys, for all in-custody initial appearances when bail is likely to be considered (see Recommendation 21, pg. 151).

FINDING SIXTEEN

Judges and Justices are responsible for the approval and assignment of court appointed counsel for indigent defendants. The point at which the appointment is made varies from Court to Court (see *Assignment of Court Appointed Attorney,* pgs. 25 and 27). While a few Courts make a preliminary or permanent appointment of counsel at the initial appearance, most Courts make the appointment outside the presence of the defendant some time after the initial appearance. The time required to complete the review and court appointed counsel process also varies from Court to Court and ranges from the same day of initial proceedings to up to several weeks thereafter. Delays in court appointed counsel can result in the unnecessary detention of pretrial defendants due to delayed requests for bail reviews and, in some cases, delayed trials.

RECOMMENDATION SIXTEEN

Each Court is encouraged to review their respective policy related to the assignment of court appointed counsel and make modifications wherever necessary to ensure appointments are made either at initial appearance or no later than 2 business days following the initial appearance with limited exceptions.

FINDING SEVENTEEN

In the first half of 2006, the Superior Court had a clearance rate of approximately 90.8%. In simple terms this means that the Court was able to resolve 7,050 cases, which is 9% fewer than the 7,766 cases that were filed. The average length of case disposition in the Superior Court ranged from 88 to 245 days (see *Superior Court*, pg. 25). There is a back log of cases pending jury trials and in some Courts the delay is estimated at one year or more. These types of delays on a consistent basis have numerous unintended consequences including, but not limited to, the following:

A. cases can deteriorate over time and may force reduced charges or sentences through plea bargaining or may result in a dismissal of charges;

B. the number of technical bail violations increase as cases age and often require additional resources of law enforcement, jails, pretrial services, prosecutors, court appointed attorneys, and the Courts; and

C. an incentive is made for defendants charged with misdemeanors to file a jury trial request to have the case transferred out of District Court in order to delay the case and/or have it resolved more favorably in Superior Court.

At first glance it may appear that additional Justices alone may resolve the problem, unfortunately, this is not the case. The efficient handling of cases in the Superior Court is influenced not only by the availability of judicial resources, but also by court clerk resources and scheduling practices, prosecutor resources and case handling practices, availability of defense attorneys (a significant issue in rural counties with limited defense counsel), and adequate space to hold more than one jury trial simultaneously. One or more of these issues impacts a number of the Superior Courts in Maine; therefore, a customized systems approach will be required for each Court with significant case backlogs and delays to address these issues.

RECOMMENDATION SEVENTEEN

The Maine Judicial Branch is encouraged to pursue the addition of judicial resources (permanent and temporary), including Justices and clerks as necessary, in order to keep up with the increasing caseloads in the Superior Court. Counties with a significant backlog or delay are encouraged to examine the resources and practices of the key system participants as referenced above to problem solve and implement solutions to identified issues. Solutions may include the use of active retired Justices to hear jury trials, modifications to current case scheduling procedures, and/or modifications to prosecutor practices related to case reviews and plea offers.

FINDING EIGHTEEN

The Adult Drug Treatment Courts experienced an average time between referral (some time post-arrest) and admission into the program of 83 days according to the most recent statistics from June and July 2006. This number has reportedly decreased but remains higher than Maine's current target of 45 days (see *Drug Treatment Courts*, pg 28). The document *Defining Drug Courts: The Key Components* was developed by the National Association of Drug Court Professionals (NADCP) Standards Committee and published by the Drug Courts Program Office - Office of Justice Programs - U.S. Department of Justice. The publication identifies 10 key components of a Drug Treatment Court Program. The third component is listed below.

Component Three: Eligible participants are identified early and promptly placed in the drug court program.

Purpose: Arrest can be a traumatic event in a person's life. It creates an immediate crisis and can force substance abusing behavior into the open, making denial difficult. The period immediately after an arrest, or after apprehension for a probation violation, provides a critical window of opportunity for intervening and introducing the value of adult and other drug (AOD) treatment. Judicial action, taken promptly after arrest, capitalizes on the crisis nature of the arrest and booking process. Rapid and effective action also increases public confidence in the criminal justice system. Moreover, incorporating AOD concerns into the case disposition process can be a key element in strategies to link criminal justice and AOD treatment systems overall.

RECOMMENDATION EIGHTEEN

Adult Drug Treatment Courts are encouraged to review and revise the screening and admission policies in order to significantly reduce current delays in program admissions and related interventions.

DEFENSE ATTORNEYS

FINDING NINETEEN

Maine has a unique program referred to as the Lawyer of the Day (LOD). In most courts there is a Lawyer of the Day who is provided by the Court at no cost and is available at all initial proceedings/arraignments in both District and Superior Courts for defendants to discuss their cases if they so desire. Two Counties, Franklin and Piscataquis, do not have a LOD present for all initial proceedings/arraignments. Franklin County currently only has one private practice attorney willing to serve as the Lawyer of the Day. Therefore, the LOD is not present for in-custody initial appearances/arraignments but is available for most non-custody initial appearances/arraignments. Due to a lack of participating LODs, Piscataquis County is not consistently able to have a LOD present at initial proceedings/arraignments (see *Defense Attorneys*, pg. 32).

RECOMMENDATION NINETEEN

Franklin and Piscataquis Counties are encouraged to take action to ensure that a LOD is present at all initial appearances and arraignments. Due to the rural nature of the two counties, a solution other than the recruitment of additional LODs may be necessary. Another rural county, Somerset County, operates what is known as the Private Defender Program (PDP). The PDP, for one set annual fee, provide all the Lawyer of the Day services at all initial proceedings/arraignments and serves as court appointed attorneys for all defendants assigned an attorney by the Court. There are currently four firms that participate in the PDP program. A PDP or similar program may provide a solution for Franklin and Piscataquis Counties.

GRAND JURY

FINDING TWENTY

All felony charges must be prosecuted using an indictment issued by the Grand Jury, unless the defendant waives the indictment. The prosecutor presents the case to the Grand Jury and if the evidence appears sufficient, the grand jury will return an indictment, a formal charge of a crime. Following indictment in the Superior Court an arraignment is held. The frequency of which a Grand Jury is summoned varies from County to County and ranges from monthly to semi-annually (see *Indictment Process*, pg 27 and *Grand Jury*, pg 32). Several factors should influence the frequency of which a grand jury is summoned including, but not limited to, the number of cases that need to be presented to a Grand Jury, the availability of Justices scheduled to hear cases in the respective County, and ensuring that cases are being processed in a timely fashion. It appears that some Counties are primarily considering the availability of Justices to hear cases and the number of cases to be presented without sufficient regard to ensuring that cases are processed in a timely fashion. Convening a Grand Jury more frequently can reduce the length of case disposition, reduce jail bed space utilization by incarcerated defendants pending trial, and reduce the potential for a case to deteriorate and result in a lesser charge or sentence, or a dismissal of charges.

RECOMMENDATION TWENTY

It is recommended that each County review the frequency of which a Grand Jury is summoned based on all three of the considerations listed above. Ideally, a Grand Jury would be convened at least every other month, even in the lower volume Counties. It is further recommended that the

following Counties consider convening a Grand Jury more frequently as outlined: Hancock County from quarterly to at least every other month; Knox from quarterly to every other month; Oxford County from quarterly to every other month; and Piscataquis from semi-annually to at least quarterly.

PRETRIAL SERVICES

FINDING TWENTY-ONE

Two private nonprofit agencies currently serve 12 of 16 counties on a limited basis. In 2005, 1,047 defendants were provided pretrial supervision. Just over one-third (34%) of all defendants under pretrial supervision were also under probation supervision by the Department of Corrections. Pretrial Services generally involves the provision of information to judicial officers to assist them in making the bail decision, as well as the monitoring and supervision of defendants released from custody while awaiting disposition of criminal charges. Pretrial Services program practices vary significantly between providers and among the Counties. No program in Maine is funded at an appropriate level to allow for the provision of information to judicial officers to assist them in making the bail decision for more than a select number of defendants. Services provided by the program primarily relate to screening and supervision of pretrial defendants. The types and frequency of contacts, conditions of supervision, supervision fees, and other program requirements also vary from county to county (see *Pretrial Services*, pgs. 32-33).

There are a number of concerns related to the provision of pretrial services in Maine.

A. Four counties (Franklin, Hancock, Oxford, Somerset) are not served consistently by a Pretrial Services program.

B. The 12 counties that are served by a Pretrial Services program are provided limited services, primarily screening and supervision, due to significant program under funding.

C. Pretrial Services program practices vary significantly between providers and among counties. A number of practices are not consistent with national standards issued by the American Bar Association, National Association of Pretrial Services Agencies, and the National District Attorney's Association relating to pretrial release and pretrial services programs.

D. The Pretrial Services program in Penobscot County operates similarly to a post-trial home incarceration program. The condition of home incarceration for all defendants, the sliding fee scale ranging from $10 - $17 a day, and other program attributes are not consistent with a Pretrial Services program and are arguably inconsistent with the "right to bail that is not excessive" (8th Amendment) and "release on the least restrictive release alternative" provided for in the Maine Bail Code.

E. Over one-third of the defendants under pretrial supervision in 2005 were also under probation supervision. This duplication of effort and utilization of county funded resources to supplement state funded resources is not the most effective or efficient use of resources.

F. A number of Counties are using pretrial supervision as an informal deferred finding program. Persons placed under pretrial supervision have their cases continued for an extended period of time to determine how well they will perform under community supervision. This use of pretrial supervision is also inconsistent with national standards and the purpose of Pretrial Services programs.

Pretrial Services programs can have a tremendous impact on the effectiveness and efficiency of pretrial case processing. Programs that are consistent with national standards and adequately funded to provide screening, investigation, and supervision services for all eligible defendants can have the following system impacts:

→ increase public safety

→ protect the presumption of innocence

→ expedite court case processing

→ manage jail space efficiently

→ effectively utilize criminal justice and community resources

→ reduce the potential for disparity in bail decisions

→ effectively manage pretrial risk and need

RECOMMENDATION TWENTY-ONE

All existing Pretrial Services programs are encouraged to revise their practices in accordance with national standards related to pretrial release and pretrial services programs. All 16 counties are encouraged to fund pretrial services at the level necessary to provide screening, investigation, and supervision services to all eligible defendants. This would include screening of all in-custody defendants prior to initial appearance, provision of pretrial investigations for all in-custody defendants at initial appearance (if a consideration of bail is likely to occur), and supervision for all eligible defendants. It must be noted that the implementation of this recommendation will require significant increases in funding of Pretrial Services programs.

Penobscot County is encouraged to restructure and re-engineer their Pretrial Services program in order to be consistent with national standards, the right to bail that is not excessive (8th Amendment), and the purpose of bail as defined in the Maine Bail Code.

Pretrial Services programs, in partnership with the Maine DOC, are encouraged to explore alternatives to the current duplication of effort relating to supervision of defendants simultaneously by pretrial and probation.

FINDING TWENTY-TWO

A Probation Officer has two primary options to initiate a probation violation; 1 - arrest the defendant, or if the defendant cannot be located, file a written notice and request an arrest warrant from the Court (*§1205. Commencement of probation revocation proceedings by arrest*) and 2 – deliver or have a summons delivered to the probationer ordering them to appear for a court hearing on the alleged violation *(§1205.B Commencement of probation revocation proceedings by summons).* Probation Officers have complete discretion to make an arrest or issue a summons in response to a violation of probation (see *Probation Services*, pg. 33). Complete discretion by Probation Officers when responding to violation of probations without specific policies, guidelines, and/or supervisory review, is likely to result in disparate treatment of Offenders – an issue that was reported in a number of Counties.

RECOMMENDATION TWENTY-TWO

The Maine Department of Corrections is encouraged to develop and implement one or more policy that provides guidance to Probation Officers regarding appropriate responses to violations of probations that are consistent with Evidence-Based Practices. In addition, a supervisor should review and approve an Officer's decision to arrest an Offender prior to the arrest whenever possible and no later than one (1) business day following the arrest.