

CUMBERLAND COUNTY: DISTRICT ATTORNEY'S OFFICE

Insight & Transparency Into Our Work

Led by District Attorney Jonathan Sahrbeck
2022



Goals Of This Presentation:

Familiarize Our Communities With the Duties & Policies of Our Office

Increase Transparency In Our Methods of Court Proceedings and Prosecutions

Provide Clarity Through Explanation

Create a Dialogue

Highlight our Work in Community Outreach

Presentation Outline

Meet the Prosecutors

Office Operations

- Trainings
- 6th Amendment
- Technology: Digital Pro Se Discovery &
- Addressing Covid-19 & Criminal Court Filings

Exploring Conviction Alternatives & Incarceration Processes

- Diversion: Restorative Justice & Instituted Compliance
- Changes to Incarceration Methods: Bail & Public Safety Risks

Addressing Issues With Highest Community Impacts

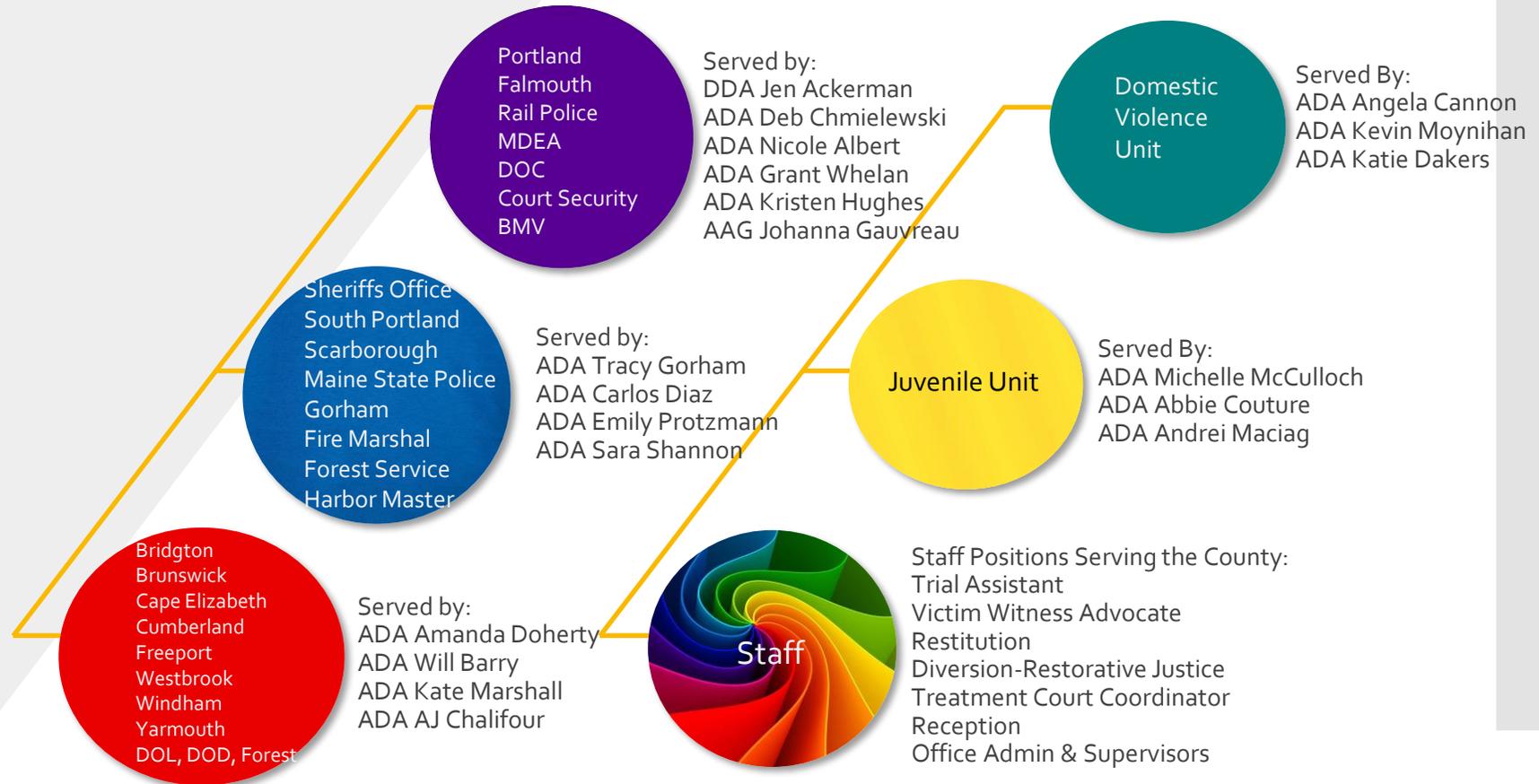
- Substance Use Disorder & Mental Health
- Juvenile Division
- Domestic Violence & Sexual Assault
- Human Trafficking

The District Attorney's Office



Jonathan Sahrbeck

District Attorney of Cumberland County





Operations: Ongoing training is a requirement in our office

see next slide for recent trainings

We stay informed to provide the knowledge, empathy, justice, and a person-first, trauma-informed, equitable & evidence-based approach to our prosecution.

Recent Trainings

2021: 3 Session Training

1. dee Clarke [Survivor Speak] on Human Trafficking and Sexploitation
2. Emily Rines [United Way of Southern Maine] + Rebecca Hoffmann-Frances [Maine Behavioral Health] on Adverse Childhood Experiences
3. Ruby Parker [Maine Resilience Building Network] on ACES & Resilience

2020: 6 Session Training

Laura Ligourni [Mindbridge] on Bias, Anti-Racism, Brain Development, ACES, & Community Outreach

2019: DA Jarvis Parsons [Bravos County, Texas] on Implicit Bias

2019: Visit to Maine Correctional Center to hear from prison staff and residents about the available programs and what it is really like at MCC



Covid-19 & Our Office

Our Office worked throughout the pandemic (including the shutdown) navigated by District Attorney Sahrbeck. We followed CDC guidance at every step, and made efforts to protect our co-workers and ourselves from spreading the virus. We have been lucky in this regard, and our hearts go out to all those who continue to be impacted by Covid-19.

Due to the shutdown Grand Jury proceedings and Jury Trials were halted, creating a backlog of cases. We are continuing to work through the existing increase in cases and the impact of the Court shutdown, and are confident that case numbers will return to normal levels.

Covid-19

Covid-19 & Criminal Cases: Transparency In Felony & Misdemeanor Crimes

Our office took proactive steps in March 2020 when we realized the coming circumstances due to the court shutdown. We screened cases in a manner that recognized the limited court events & we tried innovative ways to divert cases without the court system (like restorative justice). We also looked at pending cases through this lens & made decisions on whether continued prosecution was still “in the interest of justice”.

We have seen a 67.1% increase in pending Felony cases from March 2019 to March 2022 (777 cases to 1,298 cases respectively) in Cumberland County

Other Counties in Maine report similar data
Androscoggin County: 92.2% Increase in Felony Cases
Kennebec County: 89.6% Increase in Felony Cases
Penobscot County: 77.8% Increase in Felony Cases
York County: 56.4 % Increase in Felony Cases

We have seen a 43% increase in pending misdemeanor cases from March 2019 to March 2022 (2447 to 3654, respectively)

Other Counties in Maine report similar misdemeanor data
Androscoggin County: 71.4% increase
Kennebec County: 72.6 % increase
Penobscot County: 118.5% increase

Overall Court Filings

New criminal cases enter our office every day, but not every case is filed with the Court.

When the pandemic began, we realized that a backlog of cases would occur in the Court. In the interest of Justice, we took steps to address that issue in our County.

Police Departments made efforts by bringing in less cases for us to review (21% less)

Our office made efforts to decrease the number of cases we charged (23% less)

Percentages above reflect the years 2019 and 2021, respectively.

# Of Cases To Enter The DA's Office for Review Per Year	# Of Cases Filed With The Court Per Year
2016: 11,055 cases	2016: 7775 cases
2017: 10,589 cases	2017: 7410 cases
2018: 11,055 cases	2018: 7005 cases
2019: 10,749 cases	2019: 7031 cases
2020: 9281 cases	2020: 5823 cases
2021: 8458 cases	2021: 5381 cases

Overall, Court filings are significantly down and we are proud to continue to do all we can to help the Court complete this process.



The 6th Amendment: New Policy When Speaking to Defendants

The Maine legislature enacted a law that prohibits Prosecutors from speaking with unrepresented Defendants unless they have signed a form waiving their right to defense counsel. Every person in Maine charged with a crime has a right to defense counsel, and we abide by this law change.

If you are criminally charged by our Office, you must sign a waiver in Court after being informed of your rights in order to speak with a prosecutor.

If you are in need defense counsel, please contact the Maine Commission for Indigent Legal Services at 207-287-3257, or contact any lawyer of your choosing.

Choosing Not to Charge a Case: New Policy When Declining a Case

If our Office declines to prosecute a case, we will send a letter stating so to the address provided on the signed summons issued by a Law Enforcement Officer.

It is our hope that this policy will alleviate some concern with people who's cases we have chosen to decline, as well as provide them with the knowledge that they will not have to appear at their Court date previously issued on their summons.

We understand that a criminal charge can bring stress, anxiety, financial burdens, or could involve missing school or work to attend Court. We hope this helps to alleviate such hardships.



Conviction Alternatives

Not every case in our Office is seen in Court.

See the next few slides for details

Under District Attorney Sahrbeck, we have implemented new programs to address an alleged crime without resulting in a conviction

Diversion – What Is It?

If you have a low level, or first time offense, you could be offered an opportunity to avoid criminal charges through one of our diversion programs without entering the often lengthy Court process. These programs divert lower level offenses with a focus on restoring relationships between individuals & the community.

Restorative Justice

Young Adult Program (18-25)

Adult Program (25+)

Instituted Compliance

Recently we began expanding Restorative Justice to include Deferred Dispositions, and cases with victims.

Diversion: Restorative Justice

What Is It?



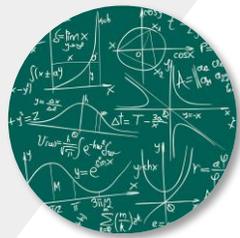
An alternative to convictions for first offenders and low level offenses, with a third party creating a meeting between the offender and members of the community to discuss how the offense affects others. This method is known to reduce re-offenses.

Example



Jane Doe stole a sweater from Macys. This was her first offense, and she was offered restorative justice. Jane agreed, and sent in her paperwork. Jane met with our third party, Fred, and Fred held a meeting with Jane and local Store Managers in our community to discuss how thefts impact them. Jane realized that her actions effect others, and her case was either charged, dismissed, or not filed with the Court.

How Many Cases We See Vs. Re-Offenses



2020: 122 Participants completed Restorative Justice, with 13 reoffending
2021: 139 Participants completed Restorative Justice, with 7 reoffending
2022: 38 Participants have completed the program so far this year

Diversion: Instituted Compliance

What Is It?

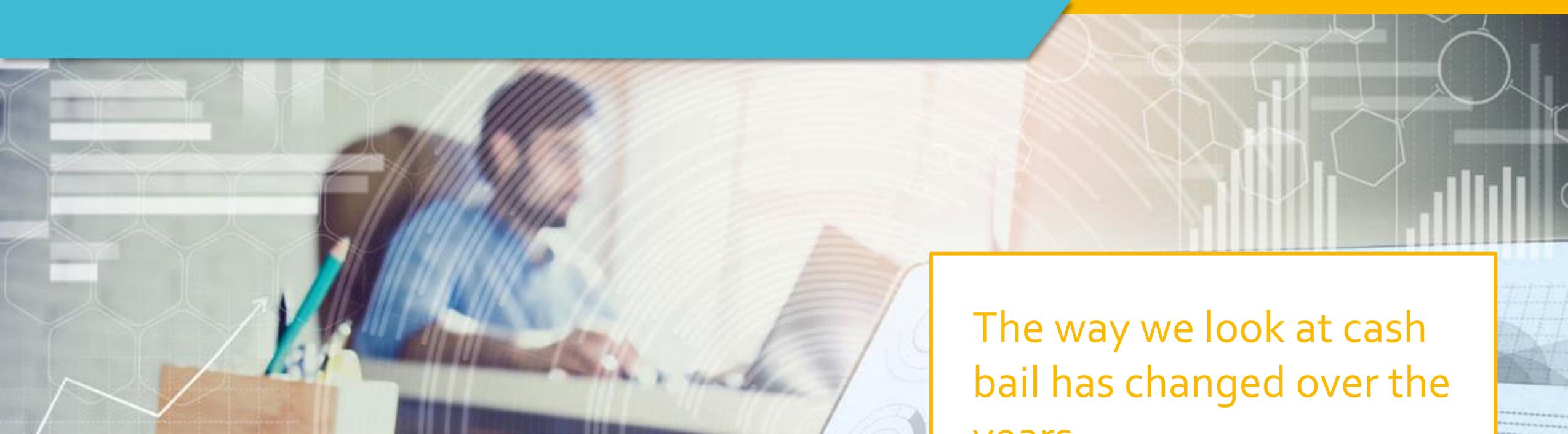


A person, in most cases, comes into compliance with the allegations of violating the law, and our office chooses not to prosecute the case. The exception being if a person is a repeat offender with a continued history that may constitute a public safety risk.

Example



John Doe forgot to register his car, and was issued a summons for operating an un-registered vehicle. He immediately registered his car. When the case got to our office, we performed a cursory registration check and saw he was in good standing. This case was not prosecuted, and a letter was sent to John informing him as such.



Exploring Process:
Bail Reformation
& Access to Alternatives to Incarceration



Prosecution is always evolving. We look for opportunities to make changes that are genuinely helpful to individuals and the community we serve.

The way we look at cash bail has changed over the years

Methods to promote access for all are forthcoming

A New Approach to Bail

Its time we acknowledge the fact that a cash bail system is based on wealth, or the lack of it. Inherently flawed, it sometimes keeps poor people in jail, and often for non-violent offenses, and allows dangerous people back onto the street. We understand the negative impact that any incarceration, no matter the time period, can have on a person psychologically as well as on their housing, employment, and family (especially their children). Every 2-3 weeks, we review the bail of those incarcerated pre trial & re-address bail if a non-violent offender is being held on low cash bail & alternatives may be available for their release.

This is why we have been transitioning out of using cash bail, with the exception of crimes that are violent and pose a danger to the public. We work with Maine Pre Trial Service in this regard, where a condition of bail is to be supervised by this organization rather than cash bail for non-violent offenders, so that pre-trial incarceration is the exception as opposed to the rule.

Our new approach is reflected in the number of people being held pre-trial at Cumberland County Jail. In May 2019, 215 people were incarcerated pre-trial, and in March 2022, 167 people are being held. This constitutes about 4-5% of people

Of those 167 people, 70% of them have 2 or more cases and are being “held without bail” either on a bail or probation revocation motion allowed by the Court. The vast majority of the other 30% of people have a bail set at more than \$1000.



Community Impacts: Substance Use Disorder & Mental Health

These two issues deeply impact our communities and are the primary reasons for many of our criminal cases.

- What are we doing to help?
1. Active Community Coalition (CCCSUP)
 2. Drug Court
 3. Mental Health Court
 4. Veterans Court

Cumberland County Coalition on Substance Use Prevention (CCCSUP)

What Is It?



Created in 2019 by District Attorney Jonathan Sahrbeck, this Coalition involves community members & stakeholders who meet, communicate, and network on issues in Cumberland County & discuss current & potential resources to help those dealing with Substance Use Disorder

Who Is Involved?



This Coalition meets every 6 weeks or so and connects people who are directly involved in treating Substance Use Disorder. Members include health care professionals, people who run treatment centers, advocates, law enforcement, State officials, people who provide housing, and people who have formerly dealt with Substance Use Disorder. Gordon Smith, the Governor's Director of Opioid Response, updates the group at each meeting.

Why Is This Important?



Substance Use Disorder impacts our communities at a staggering rate. While those who work tirelessly to counteract this epidemic are saving lives and doing great things, the need for more resources, more housing, and more treatment centers is steadily rising. Connecting people through this Coalition creates a valuable network for those providing services, with the goal being the ability to help people get treatment for their Substance Use Disorder, and saving lives.

Organizations Involved In CCCSUP

South Portland Police Department Mental Health/Substance Use Disorder Liaison
Portland Police Department Mental Health/Substance Use Disorder Liaison
Westbrook Police Department Mental Health/Substance Use Disorder Liaison
Falmouth Police Department Mental Health/Substance Use Disorder Liaison
Scarborough Police Department Mental Health/Substance Use Disorder Liaison
Windham Police & Fire Departments
SoPo Unite
Westbrook Partners for Prevention
Casco Bay Collective Action Network
Lake Region Collective Action Network
Be The Influence
The Opportunity Alliance
Mercy Hospital/Northern Light Health
Maine Health
Portland Recovery Community Center
Lake Region Recovery Community Center
Maine Association of Recovery Residences
City of Portland Public Health
Windham Fire Dept
Liberty Bay Recovery
Pine Tree Recovery
The Family Restored
Department of Public Safety
Department of Corrections
Director of Opioid Response (Governor's Office)
Department of Health and Human Services (DHHS)

Access Health (Brunswick)
MaineWorks
Maine Recovery Fund
Alliance for Addiction & Mental Health Services
Community Housing of Maine
Keeping Kids Safe (Maine)
Foundation House
Preble Street
Myrtle Street Sober Living
Kennebunk Police Department
Rotary Club
US Senator Angus King's Office
US Senator Susan Collin's Office
US Representative Chellie Pingree's Office
Westbrook Communities that Care
DEA360 - Drug Enforcement Agency (DEA)
Maine Health, Anti-Tabacco Services
Grace House
Easter Seals Maine
RALI Maine
Portland Downtown
Addiction Policy Forum
Maine Pretrial Services
Mid Coast Hospital
Just Love Worldwide
Maine Prisoner Reentry Network (MPRN)
211Maine
Cumberland County Sheriff's Office
Portland Center for Restorative Justice

Organizations Involved In CCCSUP: Continued

Maine Center for Disease Control
Courage House
AWARE Recovery
Adoptive & Foster Families of Maine, Inc.
Veterans Affairs Suicide Prevention Coordinator
Amistad Maine
Milestone Recovery
Journey Magazine
Plymouth House
Spurwink
Greater Portland Health
AmeriCorp
Granite Recovery Centers
Eric Girard
Survivors Speak USA
If Only One
Groups Recover Together
Maine Behavioral Health
The Transformation Project
Protech Solutions (Good Grid)
United Way of Southern Maine
Crooked River Counseling
Al-Anon Family Groups

Goodwill Workforce Solutions
Hope For All Community Services LLC
Tucker's House
ME Recovery Advocacy Project
El Rancho De la Vida
Savita health
Recovery Connections of Maine
Maine OPTIONS Program
St. Francis Recovery Center
American Addiction Centers
MaineHealth Center for Tobacco
Independence
Pine Tree Institute
My Place Teen Center (Westbrook)
Maine Resilience Building Network
Rose's Room
Financial Authority of Maine (FAME)
Breaking the Cycle
Cumberland County District Attorney's
Office

Drug Treatment Court

What Is It?



Drug Treatment Court is a special docket for individuals with criminal cases stemming from Substance Use. Individuals on this docket are offered treatment services while their cases are assessed as being “high risk” & “high need” for life-saving treatment.

Who Is Involved?



Involved in Drug Treatment Court are representatives from involved stakeholders: Judges, Prosecutors, Defense Attorneys, Treatment Services, Maine Pretrial Services, Probations, and the Clients (Defendants).

Why Is This Important?



Drug Treatment Court creates a space & treatment program for those who are facing charges or probation revocation and struggling with substance use disorders. The opportunity for treatment becomes part of the Court process, with the goal that graduates from Drug Treatment Court are less likely to later be involved in the criminal justice system.

Veteran's Treatment Court

What Is It?



Veteran's Treatment Court is a specialty docket that helps 'high risk' and 'high needs' individuals involved in the criminal justice system and diverts them from regular Court. These individuals often suffer from PTSD stemming from their service, and may have a co-occurring substance use disorder.

Who Is Involved?



Involved in the Veteran's Court are our prosecutors, Judges, defense attorneys, and advocates for Veterans, Maine Pretrial Services, Probations, and the Clients (Defendants).

Why Is This Important?



This is important because taking past service into consideration informs the members of this Court regarding ongoing mental health issues or substance use disorder and can offer more treatment options for the individual. The goal of Veteran's Treatment Court is for those involved to later be less likely to cross paths with the criminal justice system.

Mental Health Court

What Is It?



Mental Health Court addresses individuals with pending criminal cases who have been identified with mental health issues and Court-ordered evaluations for competency and/or criminal responsibility

Who Is Involved?



Involved in the Mental Health docket are our prosecutors, defense attorneys, DHHS (including State Forensics and intensive case managers) and Judges who work together in the best interests of justice and the individual charged with the crime

Why Is This Important?



This is important because addressing and working to meet the needs of an individual with a mental illness means getting to the root of an issue. In mental health court, the court process is stream-lined so that the individual receives the attention that he or she needs.



Cumberland County Mental Health Languishing Committee

The Cumberland County Mental Health Languishing Committee is comprised of a group of members from our DA's Office, the Defense Bar, the Court, the Jail, DHHS, Spurwink, Amistad, Community Housing of Maine, and Law Enforcement Mental Health Liaisons. This Committee was formed in 2018 out of concern for individuals and their need for proper mental health services.

The Committee meets every 2 weeks to try to move people from the criminal justice system to mental health treatment programs, while figuring out systemic changes needed within the criminal justice system to help further. The Committee was successful in streamlining the process and timing in which a person received an evaluation at the jail, and bringing necessary attention from legal counsel to their individuals in need.

Representative Rachel Talbot Ross worked with our Committee on legislation involving mental health issues, helping bring attention to the need for more mental health resources and the systemic flaws necessitating legislative changes. LD 1968 is still going through the legislative process.

If You Struggle with Substance Use Disorder or a Mental Health Issue, You Are Not Alone

Quick Resources for Substance Use Disorder:

Please contact our office for a comprehensive list by emailing districtattorney@cumberlandcounty.org

- The Opportunity Alliance – 207-874-1175
- Preble Street Resource Center – 207-874-1005
- Milestone – 207-775-4790
- Pine Tree – 207-618-9611
- Liberty Bay – 855-607-8758
- M.A.R.R. (Maine Association of Recovery Residences) <https://www.mainerecoveryresidences.com/>
- Grace House – 207-615-4356
- Foundation House – 207-791-2000
- Better Life Partners – 866-679-0831
- Groups Recover Together—207-560-3422
- AWARE Recovery –207-203-9097

Quick Resources for Mental Health Issues

Please contact our office for a comprehensive list by emailing districtattorney@cumberlandcounty.org

- India Street Public Health Division 207-874-8446
- Cornerstone BHC 207-776-9990
- Preble Street Learning Collaborative
- DHHS

If you have a medical emergency, seek attention immediately by calling 911.

If you feel unsafe, call 911 or your local Police Department for assistance.



Community Impacts: Domestic Violence & Sexual Assault

These crimes impact families—and children are often eye witnesses.

In 2019, DV assaults were 33.9% of the total number of assaults reported to law enforcement.

In 2019, District Attorney Sahrbeck added a prosecutor to the DV Unit, noting that added attention was needed for domestic violence cases, citing a 2018 report in which *half of the homicides that took place during the previous 3 years had their roots in domestic violence*

DV Prosecutors provide trainings to Law Enforcement regarding strangulations, which are known to lead to homicides

We have expanded relationships with advocacy groups like:

Through These Doors

The Violence Intervention Partnership

Sexual Assault Response Services of Southern Maine (SSARSM)

If you or a loved one are a victim of Domestic Violence, you are not alone

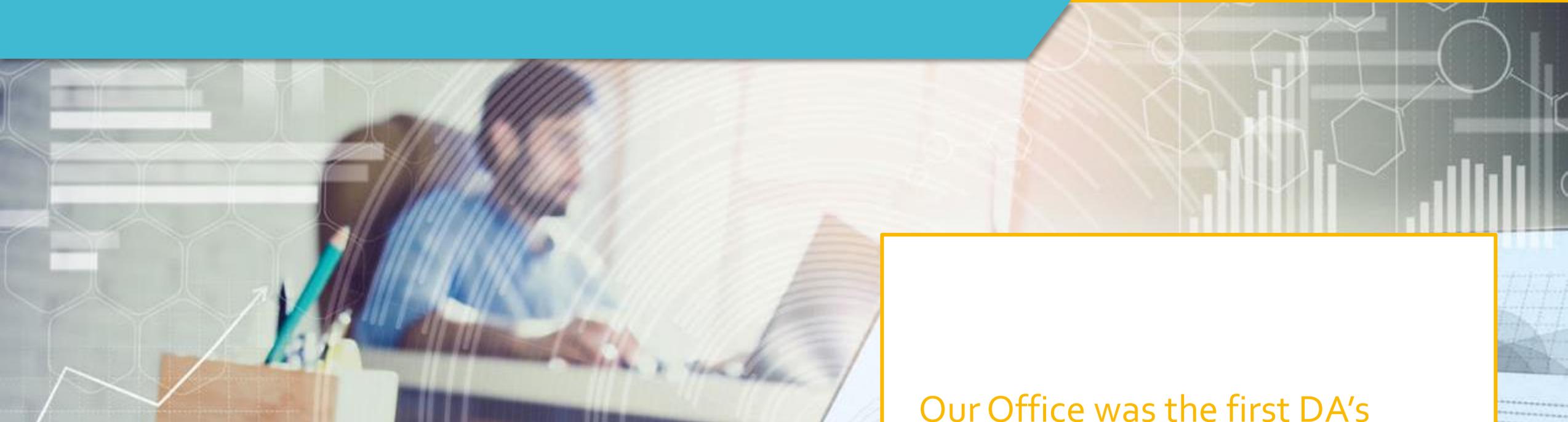
Contact These Groups for Help & More Information

Through These Doors: [1-800-537-6066](tel:1-800-537-6066)

Sexual Assault Response Services of Southern Maine (SSARSM) Hotline: [1-800-871-7741](tel:1-800-871-7741)

National Domestic Violence Hotline: [1-800-799-7233](tel:1-800-799-7233)

[If you are in danger, call 911 immediately](#)



Community Impacts: Human Trafficking Division



Helping Victims Become Survivors

Our Office was the first DA's Office in Maine to dedicate an Assistant District Attorney to focus on Human Trafficking.

Human Trafficking refers to sex trafficking &/or labor trafficking

Human Trafficking

The District Attorney's Office does not tolerate exploitation. Our Office has a three pronged approach when prosecuting Human Trafficking:

1. Identify victims, offering services & support
2. Aggressively prosecute traffickers (commonly known as 'pimps')
3. Disrupt the 'market'

Every day that a trafficker is off the street, a victim may have an opportunity to escape their control. We try our best to ensure that traffickers are behind bars, and victims become survivors.

We recognize that market demand fuels human trafficking. Changing the behavior of people who think it is acceptable to buy sex and victimize others is key to disrupting this market.

Prostitution is not a victimless crime. There are consequences for fueling the market that is rampant with drug trafficking, victimization, assault, rape, and murder.

National Human Trafficking Hotline: 1-888-373-7888



Community Impacts: Juvenile Division

An Individualized Approach

The Juvenile Division handles criminal cases that focus on balancing juvenile rehabilitation with the interest of victims and public safety.

This is a collaborative effort with community services and organizations, often resulting in successful alternatives to the formal Court process.



Juvenile Division: Rehabilitation & Court Alternatives

Our Juvenile Assistant District Attorneys collaborate with other agencies in taking an individualized approach to each youth's case, which often involves implementing community-based services that strengthen family systems, provide for needs & using restorative justice-based resolutions.

To do this, our office supports the diversion of many cases from entering Court since we understand that trauma that comes with involvement in the criminal justice system and incarceration.

In the past 4 years, 35% of all criminal cases submitted to the Juvenile Division found alternative resolutions outside the formal Court process.

Data Collection Case Management System

2019: Cumberland & other counties shared with the Council of State Governments data for the “Justice Reinvestment Report” in Maine. Unfortunately, data regarding racial disparity was not included in the findings of the report.

2020 (summer): District Attorney Sahrbeck worked with Berry Dunn to have this data analyzed.

2021 (summer): Berry Dunn indicated that too many gaps existed in the case management system (CMS) to analyze it. In response, the new CMS currently being developed will address these gaps to provide the data, including data collection on racial disparities.

2021 (fall): District Attorney Sahrbeck is partnering with the University of Southern Maine for analysis of its data. A report is expected in 2022.

Interested In Learning More?

For more information or for questions relating to our office, please reach out to us.

Email districtattorney@cumberlandcounty.org

As always, if you need emergency assistance please call 911 or your local police department for help.