

INTERGOVERNMENTAL PRETRIAL JUSTICE REFORM TASK FORCE

Type: Limited Term Task Force
Established: May 1, 2015
Chair: Justice Robert Mullen
Report Date: December 31, 2015
Reports to: Chief Justice, Governor, President of the Senate, Speaker of the House
Completion Date: July 30, 2016

I. Background:

The leaders of the three branches of government recognize that there is an immediate and critical need to update, innovate, and improve the criminal justice systems and procedures affecting pretrial incarceration and restrictions.

Accordingly, this Task Force is created by Chief Justice Saufley, in collaboration with Governor LePage, President Thibodeau, and Speaker Eves, and with the support of Attorney General Mills. The Task Force is expected to meet regularly during 2015 and to present proposals for improvements to the leaders of the three branches in time to allow action on the proposals during the Second Regular Session of the 127th Maine Legislature.

II. Goals:

The primary responsibilities of the Task Force are to review the relevant current research and data; address existing resources, procedures, and programs; and make recommendations that

- Will reduce the human and financial costs of pretrial incarceration and restrictions, and
- Will do so without compromising individual or community safety or the integrity of the criminal justice system.

III. Responsibilities:

A. Review of Best Practices

The Task Force will undertake a review of the current state of knowledge regarding evidence-based best practices and innovations in pretrial justice reform regarding

- Reduction and prevention of violence, and the development of programs that provide for improved protection for victims;

- Diversion of nonviolent offenders into community-based programs;
- Creation of supervised, meaningful community service programs;
- Development of improved procedures for fine payment enforcement and alternatives;
- Development of better individualized conditions of pretrial release accompanied by improved oversight and enforcement; and
- Creation and support for case management and diversion programs.

B. Assessments

The Task Force will undertake a review of the current state of knowledge regarding assessments in pretrial justice reform, including, but not limited to, the following:

- The development and implementation of risk assessment tools and objective assessments for suitability-for-release determinations; and
- The assessment of family support systems and the methods by which the system addresses the needs of children and families of alleged offenders.

C. Process Points

The Task Force will assure that attention is given to the following aspects of the pretrial process:

- Proven strategies for protecting the victims—adults, children, and the elderly—of domestic and sexual violence;
- The factors that go into the decision to arrest rather than summons;
- The potential for updating or replacement of the bail commissioner system;
- The process related to alleged violations of conditions of pretrial release;
- The breadth and quality of information available to a bail commissioner or a judge at the point of bail decision;
- The assessment of mental health capacity and risks at each point in the pretrial process;
- The resources available for pretrial diversion programs; and
- The post-conviction process for addressing the payment of fines and restitution.

D. Foundational Components

The Task Force will assure that any proposals address

- Risk of violence;

- Safety of crime victims and the community;
- Risk of flight;
- Potential human trafficking victims;
- Attention to the potential for disproportionate minority contact;
- Availability of meaningful, supervised community service;
- Acceptance of personal responsibility, including the responsibilities of
 - Maintaining sobriety;
 - Complying with court orders; and
 - Focusing on continued employment, participation in job searches, or meaningful community service.

IV. Resources:

The Task Force will be assisted by members of the Administrative Office of the Courts, law school interns, and others as made available through grant funding. The Task Force may seek input, suggestions, and recommendations from individuals and groups outside of the Task Force. The Task Force may invite consultants to its meeting as needed. There is no specific general fund allocation for the Task Force.

V. Membership:

The membership list is attached and may be modified at any time at the discretion of the Chief Justice.

VI. Subcommittees and Voting:

At the discretion of the Chair, the Task Force may designate subcommittees to address specific issues and report back to the Task Force. Subcommittees may invite additional input.

The Task Force will work through consensus. All members of the Task Force, including ex officio members, are voting members. Where consensus is not possible, a vote of the majority of the membership will be sufficient to include a recommendation in the report. A minority report may be included in the final report.

VII. Reporting:

The Task Force will report to the leaders of the three branches of government on or before December 31, 2015. The Report will contain specific recommendations for innovations and improvements, including pilot projects, as well as drafts of any

**JUDICIAL BRANCH
PRETRIAL JUSTICE REFORM TASK FORCE
MEMBERSHIP ROSTER**

Justice Robert E. Mullen, Chair
Chief Justice of the Superior Court or designee, ex officio
Chief Judge of the District Court or designee, ex officio
Commissioner John E. Morris, or designee, Department of Public Safety
Commissioner Joseph Fitzpatrick, or designee, Department of Corrections
Senator David C. Burns
Senator Stan J. Gerzofsky
Representative Lloyd C. Herrick
Representative Lori Fowle
Representative Mark N. Dion
Representative Henry John Bear, Houlton Band of Maliseet Indians
Representative Matthew Dana, Passamaquoddy Tribe
Attorney General Janet Mills or designee
Stephanie Anderson, Cumberland County District Attorney or designated DA
Robert M. Schwartz, Executive Dir., Maine Chiefs of Police Assoc. or designee
Sheriff Randall A. Liberty, Kennebec County
Timothy Richardson, Hancock County Jail Administrator
Julia Colpitts, Executive Director, Maine Coalition to End Domestic Violence
Elizabeth Saxl, Executive Director, Maine Coalition Against Sexual Assault
Alison Beyea, Executive Director, ACLU of Maine
Rachel Talbot Ross, Director, Maine NAACP
Elizabeth A. Simoni, Executive Director, Maine Pretrial Services
Kelly Dell'Aquila, Director of Services, My Sister's Keeper
Professor Christopher M. Northrop, Chair, MACDL, ex officio
John D. Pelletier, Executive Director, MCILS or designee, ex officio
Anne Jordan, Esq., Judicial Branch Manager of Criminal Process & Specialty Dockets
Patty Kimball, Executive Director, Restorative Justice Institute
SJC Liaison, Associate Justice Ellen A. Gorman