

Criminal Justice Commission on Mitigation of Pandemic Impact

Justice Robert Mullen, Commissioner Mike Sauschuck, Governor's policy advisor Tim Feeley, Sheriff Troy Morton, Director of Adult Probation Susan Gagnon, Chief Roland LaCroix, Chief Jared Mills, Lt. Warden Service Dan Menard, Col. Warden Service Dan Scott, Director of Classification at DOC Ben Beal, ED of MACDL John Pelletier, Treasurer and Chair of Legislative Co. for MACDL Attorney Walt McKee, Deputy AG Lisa Marchese, District Attorney Andrew Robinson, District Attorney Maeghan Maloney

AREAS of AGREEMENT

1) Judicial Marshalls

The Maine Courts do not have enough judicial marshals to enable them to operate at 100% capacity. Local law enforcement in some areas has the ability to fill in for absent judicial marshals. These "marshal shifts" would function as a "detail" where officers can sign up to fill shifts. The Court system, however, would need to pay the officer who works a judicial marshal shift. The Commission is unanimous in supporting the Court in its efforts to receive adequate resources to function at full capacity.

2) Virtual Hearings

The Commission is supportive of virtual platforms being used: 1) in a consistent manner across the state; 2) for all court hearings where only court staff, attorneys, and client need to be present; 3) whenever all parties are in agreement on having the hearing conducted virtually; and 4) for all pleas—misdemeanor and felony and in and out of custody, as long as all paperwork is completed ahead of time.

The Commission supported a virtual misdemeanor day where everyone could be offered the opportunity for an immediate plea or court trial or wait for a jury trial.

The Commission was divided as to whether or not witnesses in hearings or jury trials should be allowed to testify virtually. Is it harder to judge a person's credibility over Zoom or in-person with a mask?

3) Unpaid Fine Warrants

The Commission briefly discussed the over 12,000 unpaid fine warrants that are currently off "the switch" but expected to be re-activated in the future. There was some support for following Vermont's model of having a "clemency day" when all fines are reduced 50%, but more information was needed.

4) It should be encouraged that proactive traffic enforcement is curtailed with a focus towards life-safety issues such as high speed, impaired driving, reckless/distracted driving, etc.

5) Diversion programs

Unanimous support of diversion programs that lead to non-violent, traffic misdemeanors either not being charged or dismissed. An example of a diversion program is the one being run by Sheriff Morton in Penobscot County where people receive a full day of information from local service organizations that connect them to the help they need.