

**STATE OF MAINE**  
**Maine Department of Public Safety**  
**FY2013 Edward Byrne Memorial Justice Assistance Grant**  
**(JAG) Program Application**  
**CFDA#: 16.738**

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## **INTRODUCTION**

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program, authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives.

The Maine Department of Public Safety is the State Administering Agency (SAA) for the funds and has received JAG funding since 1995, which are passed through to local units of government and state agencies. JAG grants are awarded by the Maine Justice Assistance Council (JAC). The JAC is made up of state, local, and federal government, and non-governmental organizations.

### **JAG Purpose Areas**

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness Programs (other than compensation).

### **A. STATE STRATEGY/FUNDING PRIORITIES**

The underlying principle in the State of Maine's crime control and criminal justice system improvement strategy is the coordination and collaboration of all levels of law enforcement and criminal justice systems. This allows coordination of existing resources to maintain or increase capacity and avoid duplication of effort. Maine takes this approach because of the nature of Maine's law enforcement infrastructure, geography and limited resources. Approximately 75%

of law enforcement agencies in Maine have less than 20 officers. It is difficult for small law enforcement agencies to undertake strategic drug enforcement and investigation with their limited personnel and resources. As drug distribution activities spread over larger regions – ignoring the boundaries of individual jurisdictions – law enforcement and prosecutors benefit from task forces that combine the talents of individual agencies into a coordinated effort. There is also a need for specialized skills and expertise in rural settings where criminal activity takes place without regard to the size or experience of the agency.

<b>Agency Categories Municipal / County Officers</b>	<b># of Depts.</b>	<b># of Authorized Full-Time Police</b>	<b># of Authorized Part-Time Police</b>
1-8 Officers	72	318	433
9-19 Officers	31	397	136
20-64 Officers	16	547	80
65+ Officers	3	322	0
Sheriff's Dept. (0 Transport Officers)	16	356	286
<b>SUBTOTAL</b>	<b>138</b>	<b>1,940</b>	<b>935</b>
<b>Part-Time Municipal Officers</b>	<b>12</b>	<b>0</b>	<b>25</b>
<b>State Law Enforcement Agencies</b>			
Maine State Police	1	301	0
Maine Warden Service	1	114	0
Maine Marine Patrol	1	48	0
Maine Judicial Marshal Office	1	100	0
Maine Capitol Police	1	6	1
Maine Fire Marshal Investigators	1	14	0
Maine University Police Departments	4	36	19
Attorney General Investigators	1	12	0
Motor Vehicle Investigators	1	11	0
Maine Drug Enforcement Agency	1	1	0
<b>SUBTOTAL</b>	<b>16</b>	<b>643</b>	<b>20</b>
<b>TOTAL</b>	<b>166</b>	<b>2,583</b>	<b>980</b>

Table 1: Certified Municipal, County and State Law Enforcement

Because of historically high levels of illicit drug activity and related crime, every community in Maine is impacted. Uniform Crime Reports and criminal justice system stakeholder input consistently points to illicit drug abuse as a major crime problem in the state.

It is held that the link between drug abuse, domestic violence, robbery, burglaries, other property crime and juvenile criminal behavior are ever present and successful investigation and offender prosecution reduces drug trafficking and abuse, as well as related criminal activities. A needs assessment determined Maine's Multi-jurisdictional Drug Task Force Program provides a sound framework and means to achieve solutions or to solve this problem and associated issues.

Law enforcement agencies are facing challenges in doing more with less because of budget shortfalls that many Maine communities are facing. Byrne JAG funding will assist Maine communities by providing vital resources to investigate, dismantle and prosecute illicit drug activity on a statewide level using a multi-jurisdictional task force approach to leverage funds and resources effectively. The multi-jurisdictional drug task and drug prosecution support program integrates state, county, and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence; and facilitates multi-jurisdictional investigations to remove mid- and upper-level narcotic offenders and related crime operations.

Maine's FY 13 Byrne JAG funds will be used to support the following priorities:

1. Enhance the quality and effectiveness of drug enforcement and prosecution
2. Enhance law enforcement efforts to effectively and efficiently support criminal justice initiatives in their community or state level.

The use of these funds for the Multi-jurisdictional Drug Task Force Program has the support of Maine's law enforcement community. The Maine Chiefs of Police Association Board of Directors voted to approve use of JAG funds for the Maine Drug Enforcement Agency (MDEA) at their annual meeting on February 2, 2012.

#### **SUB-GRANT AWARD PROCESS**

The Maine Department of Public Safety (DPS) has developed a sub-grant application process which solicits formal proposals from eligible applicants to apply for funding under the

JAG funding priorities. Once awards are made, formal contracts are executed through the Division of Purchases.

As part of the sub-grant application process, applicants receive a formal grant application packet that includes:

- JAG Program Funding Overview
- OMB Circular Guidance
- Financial Guidance
- Statutory Authority
- Program Requirements
- Eligible Programs and Purpose Areas
- Ineligible Activities and Cost Items
- Application Requirements
- Evaluation Criteria
- Program Term
- Reporting Requirements

**TIMELINE**

The Maine Department of Public Safety will allocate the awards once the award notification is received. Projects will be funded for one year and it is anticipated that projects will begin October 1, 2013 and end by December 31, 2014.

May 7, 2013	Posting of FY2013 JAG Application for Public Comment
May 7, 2013	Review by Governing Body
May 21, 2013	Submit Byrne JAG Application
July 2013	Make Awards
July 2013	Sub-grant Contracts Issued
Oct. 2013 – June 2014	Statewide Criminal Justice Strategic Planning
July 2013 – Dec. 2014	Monitoring and Technical Assistance
Dec. 2014	Grant Close Out

## **B. STRATEGIC PLANNING PROCESS**

### **Maine Justice Assistance Council**

The Maine Justice Assistance Council is the multi-disciplinary policy board that serves as a forum for communication and a structure for coordination of criminal justice grants that address criminal justice issues. This officially constituted advisory board was established by Executive Order to provide comprehensive strategic planning and policy direction and to obtain regular guidance and advice from knowledgeable criminal justice practitioners, victim service providers and other stakeholder groups.

The Maine Justice Assistance Council (JAC)'s membership includes individuals with direct policy and administrative responsibility for other federally funded programs, including those supporting State and local drug abuse treatment, juvenile justice, education and prevention representing interests of Federal, State, and local criminal justice professionals, substance abuse, and victim service providers. Its composition is designed to facilitate coordinated planning and program implementation of both federally, state and locally funded programs and projects.

Membership of the Justice Assistance Council<sup>1</sup> comprises:

- The Commissioner of the Department of Public Safety, or designee
- Two Police Chiefs
- Director of the Office of Substance Abuse
- The Director of the Maine Criminal Justice Academy
- The Associate Commissioner for Adult/Community Services, Department of Corrections
- Chairperson of the Maine Commission on Domestic Abuse
- A representative of a state law enforcement agency
- One Sheriff
- A representative of a domestic abuse prevention organization
- A District Attorney
- LECC Manager, U.S. Attorney's Office,
- The Chief Justice of the Supreme Court, or designee
- The Commissioner of the Department of Corrections, or designee
- The Attorney General, or designee
- A representative of a victims group

All Justice Assistance Council meetings are announced in the legal section of the newspaper and are open to the public. The Justice Assistance Council met on April 8, 2013 and endorsed the state's priorities for Byrne JAG funding.

**Multi-jurisdictional Drug Task Force**

The Maine Department of Public Safety will award funds to support the Maine Drug Task Force. The Maine drug Task Force consists of:

- Maine Drug Enforcement Agency (MDEA)
- Office of Attorney General Drug Prosecution Support

**Project Period:** 12 months

**Program Description:** The JAG program funding will support the Maine Drug Enforcement Agency (MDEA), the lead agency in Maine's fight against drug crime and the Office of Attorney General. MDEA provides the administrative structure for coordination and control of regional multi-agency task force efforts. Participating agencies provide the resources permitting full county and local participation in the multi-jurisdictional efforts and statewide coverage. MDEA also serves as the mechanism for implementation of other components of the Maine Drug Enforcement Strategy elements, specifically, upgraded drug information systems, a formalized drug intelligence network, and the pooling of specialized resources and equipment. Absent Byrne Justice Assistance Grant Program funding, there would not be the level of county and local participation in the multi-jurisdictional task force project. There are eight Task Forces (MJTF) within MDEA that cover multiple counties throughout Maine.

As the State's lead drug law enforcement agency, the Maine Drug Enforcement Agency, featuring a centralized administrative office and field offices across the state, will provide:

- Coordinated intergovernmental approach to the State's drug enforcement efforts;
- Statewide resources and critical drug enforcement assets for rural areas, coordinating resources throughout the State where drug activities are identified;
- Avoidance of overlap, and duplication of effort;
- Encouragement for information sharing; and
- Reduced overtime and administrative costs.

**Pass Through**

The JAG funds to MDEA will directly benefit units of local government. That is, MDEA will provide salary reimbursement to local agencies for agent services. Each local jurisdiction

receiving funding will voluntarily sign a waiver. This waiver will certify that the local jurisdiction: recognizes that the funds in question are set aside for local government use; believes that the proposed program will provide a direct local benefit; and agrees that funding at the state level is in the best interests of the unit of local government.

### **Office of Attorney General Drug Prosecution Support Program**

The Office of Attorney General (AG) provides dedicated prosecutorial support to the Maine Drug Enforcement Agency. The prosecutorial aspect of the regional task force has five Maine Drug Task Force (MDTF) attorneys and a Drug Prosecution Coordinator, an Assistant Attorney General assigned by the Attorney General to prosecute the drug cases of MDEA and other law enforcement agencies pursuant to 25 M.R.S.A. § 2955 (7). This model achieves a high level of coordination and intelligence sharing within a regional drug task force area between the Office of the Attorney General, the District Attorney's, the Maine Drug Enforcement Agency and law enforcement agencies. This coordinated effort results in a large volume of high quality felony drug cases.

Maine Drug Task Force (MDTF) Attorneys not only conduct all of the ordinary prosecutorial functions in drug cases (e.g. grand jury, motions, trial, sentencing), but also perform many other functions such as reviewing all search warrants for the Maine Drug Enforcement Agency (MDEA) and a number of local law enforcement agencies, giving advice on suspect targeting, filing applications or grand jury subpoenas for telephone, utility and prescription records, conducting investigative grand juries, and extensive law enforcement training. Unlike typical prosecutors, MDTF Attorneys are charged with assisting drug investigators in the earliest stages of an investigation, resulting in more appropriate charging and a reduced possibility of a constitutional challenge to the case or civil liability to the State. MDTF Attorneys also function as an important part of the system of "checks and balances" on agents and drug investigations in general, providing essential guidance on investigative priorities and techniques. MDTF Attorneys work closely with drug investigators as cases develop and are available to the investigators 24 hours a day.

<i>Year</i>	<i>Number of Cases Closed</i>
<b>2012</b>	<b>809<sup>2</sup></b>
2011	891
2010	870
2009	597
2008	713
2007	732
2005-2006 <sup>3</sup>	649
2004-2005	561
2003-2004	615
2002-2003	515
2001-2002	438
2000-2001	468
1999-2000	458

**Outcomes**

Project outcomes in the forthcoming year are to:

- Support on-going multi-jurisdictional drug enforcement statewide and consultation and legal advice to MDEA agents and to local law enforcement agencies;
- Increase the number of investigations, arrests and drug cases prosecuted.

This program addresses illicit drug activity, a priority issue addressed in the State of Maine Drug Control, Violence Prevention and System Improvement Strategy by seeking out, investigating, arresting, prosecuting, and convicting those individuals and organizations who are responsible for smuggling and distributing illicit drugs through and into the State of Maine. Additionally, it seeks to integrate Federal, state, county and local drug law enforcement agencies for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations.

**Goals:**

- Reduce the supply of illegal drugs by immobilizing drug trafficking organizations; and
- Enhance the ability of law enforcement to detect, convict, and incarcerate drug traffickers by improving coordination and communication among criminal justice agencies.

<sup>2</sup> 2012 cases closed is less than 2011 due to being without a prosecutor in York County for a few months.

<sup>3</sup> Federal fiscal year. All prior years are state fiscal year (July 1 to June 30). All subsequent years are calendar year.

**Objectives:**

The multi-jurisdictional task force will:

- Disrupt the flow of drugs among suppliers, distributors, or users.
- Detect, apprehend, prosecute and incarcerate participants in drug trafficking organizations.
- Provide coordinated, controlled and directed drug intelligence capabilities.
- Seize drugs and the proceeds and assets of drug traffickers as a consequence of increased apprehension, prosecution and financial investigation activities.
- Provide a method of central acquisition and distribution of specialized equipment for drug enforcement activities.

**Enhancement of State, County and Municipal Criminal Justice Programs**

- Provide equipment and training needs to law enforcement agencies.
- Assist criminal justice agencies in reducing crime

**Analysis of Need – Crime in Maine**

The overall crime rate in Maine increased by 2.8% percent between 2010 and 2011 for a total of 35,615 Index Offenses reported by police during 2011. During 2011 violent crime totaled 1,629, up 2.5% from 2010 and represents a crime of 1.23 per 1,000 population.

Crime increased in every category during 2011 except for robberies, which decreased slightly, from 416 in 2010 to 406 in 2011. For the third year in a row, the number of burglaries in Maine also increased. A total of 8,079 burglaries were reported in 2011, a 10 percent increase over 2010, when there were 7,343. That was 9.4 percent higher than in 2009, when there were 6,711 burglaries, according to the UCR data posted on the Department of Public Safety’s website.

Other crimes in Maine that increased in 2011 include:

- Larceny-thefts, up 3.5 percent.
- Aggravated assaults, up 16.3 percent.
- Simple assaults, up 15.3 percent.
- Arson, up 6.1 percent.
- Motor vehicle thefts, up 5.5 percent.
- Domestic violence assaults, up 4.6 percent
- Rapes, up 6.4 percent.
- Homicides also increased — from 24 in 2010 to 28 in 2011.

Crime in the rural areas increased by 3.5 percent in 2011, while crime in the cities and towns increased by 6 percent.

## Drug Crime in Maine

The Maine Drug Enforcement Agency's *Drug Threat in Maine* Analysis provides the following:

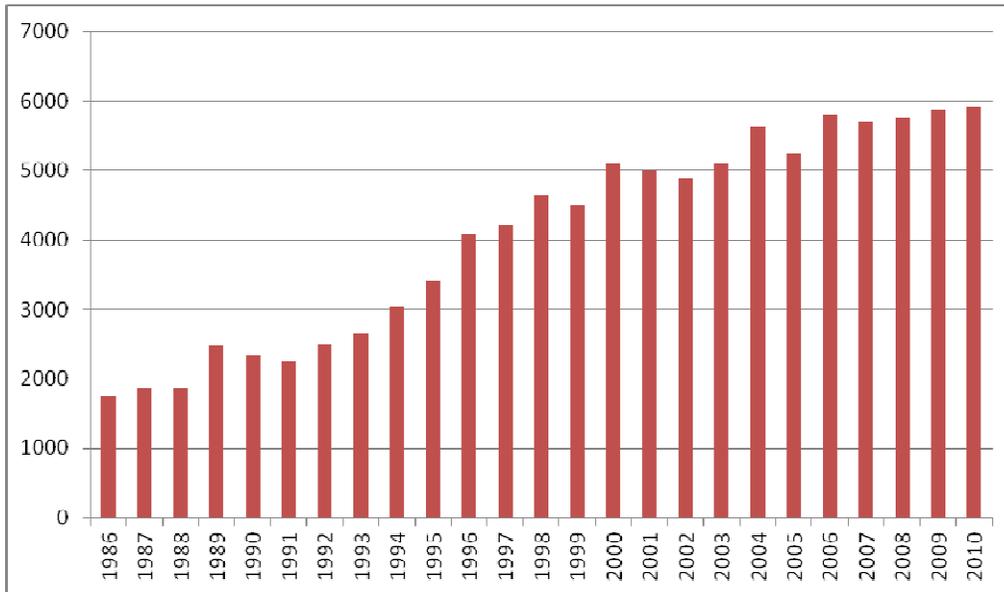
- ▶ Drug trafficking organizations are transporting increasing amounts of cocaine, heroin, controlled prescription drugs and commercial-grade marijuana into the region and are becoming actively involved in their distribution. Heroin and diverted opiate pharmaceutical abuse is the greatest threat owing to the widespread abuse and crippling social consequences of these drugs. Diverted opiate pharmaceutical abuse is spreading and has fueled Maine and New England's drug problem, since pharmaceutical abusers often switch to heroin because of its lower price.
- ▶ According to the U.S. Drug Enforcement Administration, armed pharmacy robberies rose 81 percent nationally between 2006 and 2010
  - ▶ Maine experienced 56 pharmacy robberies in 2012, more than double that from 2011 and 2 in 2008.
- ▶ One major factor in the prescription painkiller epidemic is the widespread availability of narcotic medications due to over-prescription. A total of 257 million narcotic painkiller prescriptions were dispensed in 2009, 2.5+ million in Maine alone – a 48 percent increase compared with figures for 2000, according to the Office of National Drug Control Policy.
- ▶ Many doctors who prescribe these narcotics do not have training in identifying prescription drug abuse.
- ▶ From 1998 to 2008, there was a 400 percent increase in substance abuse treatment program admissions among painkiller abusers ages 12 and older, according to the Substance Abuse and Mental Health Services Administration.
- ▶ Crack cocaine distribution is increasing in Maine as street gangs from southern NE travel north in an attempt to expand their distribution networks. Gang members often acquire handguns in Maine and transport them south, fueling violent crime in the southern part of the region.
- ▶ Synthetic Stimulants – Cathinones (Bath Salts)
  - ▶ In 2010, the Northern New England Poison Control Center recorded just a handful of bath salts poisonings in Maine.
  - ▶ This far in 2013, MDEA has seized almost 24 pounds, an amount almost three times the total amount seized in 2012.
- ▶ Methamphetamine is an emerging drug threat, with increasing clandestine laboratory seizures. Methamphetamine, previously concentrated among certain groups, is now gradually spreading to the general population.
  - ▶ 9 of the 14 lab-related incidents in Maine were in Aroostook County
  - ▶ 5 this far in 2013 with 3 in Aroostook County, one in Knox County and the other in Sagadahoc County.

Drug crime has also resulted in:

- ▶ 667 drug-addicted babies born 2011 in Maine – 6 times more than in 2005
- ▶ Increasing criminal activity, often times violent in nature, to support drug consumption
- ▶ Parents abandoning and/or exposing their children to drug environments
- ▶ Drugs are propelling the rise in Maine’s foster care program as children are removed from drug abusing parent(s).

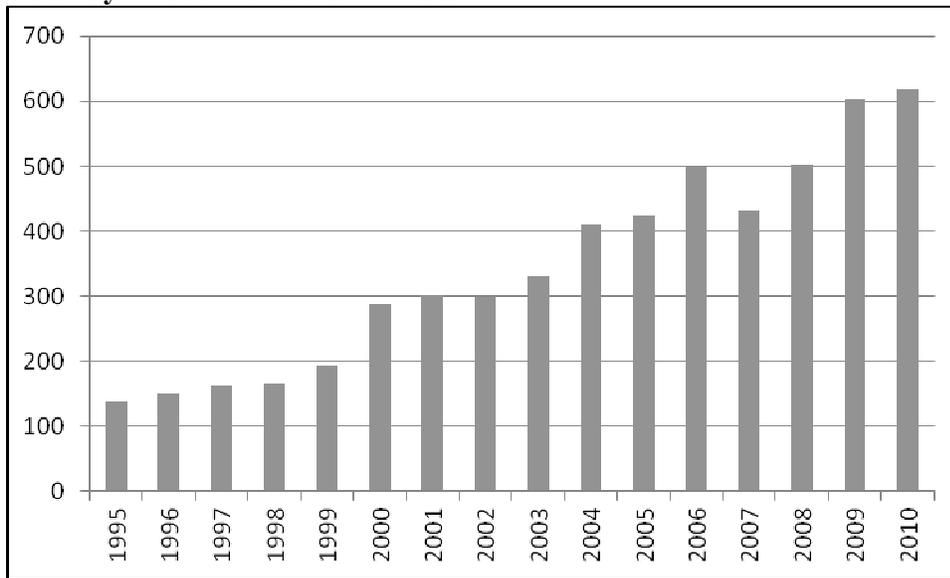
Drug violations have increased steadily since 1986 according to UCR statistics<sup>4</sup>, which are shown in the charts below.

**Drug Abuse Violations**

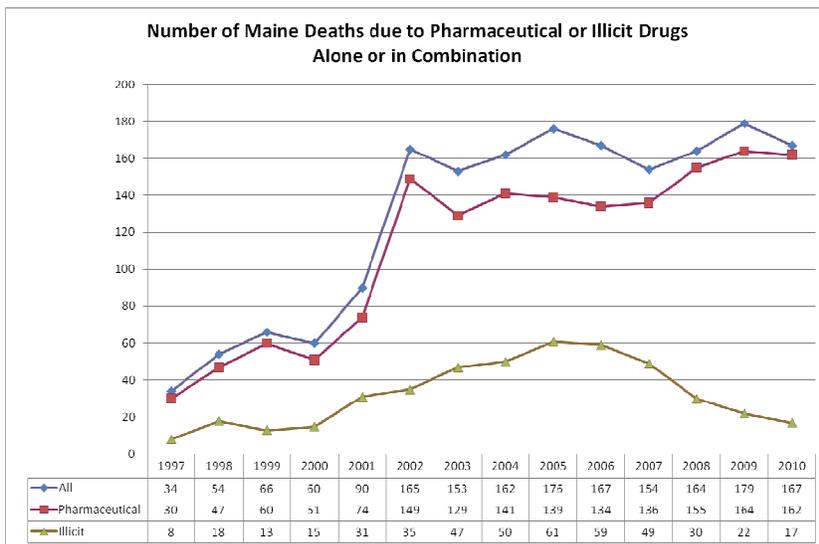


<sup>4</sup> Source: Maine Department of Public Safety, Uniform Crime Reports  
 Analysis: Maine Statistical Analysis Center, University of Southern Maine

### Total Synthetic Narcotics Arrests



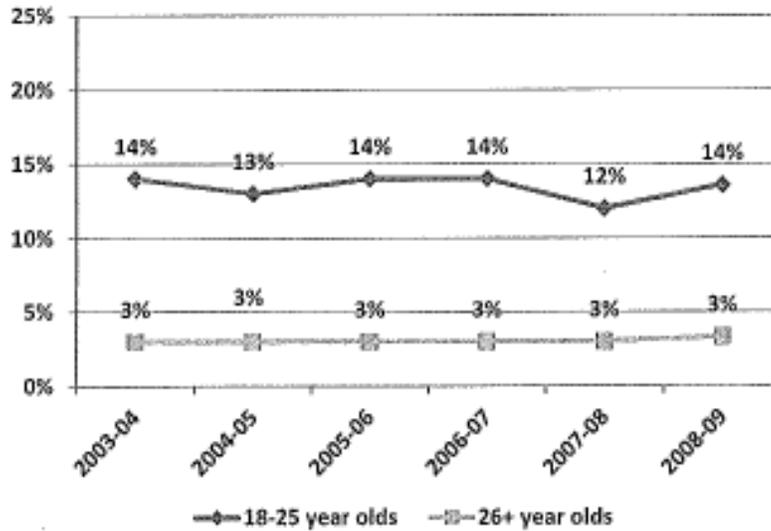
Since 1998, the total overdose deaths have been rising, to 179 total deaths in 2009 then decreasing to 167 in 2010. Of note, those related to pharmaceutical drugs, opposed to illicit drugs, have been rising dramatically over the same period. By 2009, 165 of overdose deaths (92%) were attributed to pharmaceuticals, compared to 19 overdose deaths related to illicit drugs.<sup>5</sup>



Illegal use of prescription drugs have been the recent drug trend and are the number one cause of crime in Maine.

<sup>5</sup> Source: Office of the Chief Medical Examiner, 1997-2009

**Figure: Non-medical use of pain relievers among Maine residents by age group: 2003-04 through 2008-09<sup>6</sup>**



The availability of illegal drugs, diverted prescription medications, related crime, medical and legal costs and the lives they impact are evidence of this. Without an effective enforcement program to disrupt the drug market, the State is unable to undermine the ability of drug suppliers to meet, expand, and profit from drug demand. An ineffective program impacts the State’s ability to support prevention efforts by making initiation to drug use more difficult and fails to contribute to treatment efforts by eroding the ability of users to sustain their habits. The MDEA through its regional multi-jurisdictional task forces is the lead state agency in confronting drug trafficking crime.

**C. ADDITIONAL STRATEGIC PLANNING/COORDINATION EFFORTS**

Statewide criminal justice strategic planning effort will continue in order to update Maine’s criminal justice strategy. This will be coordinated by the Maine Department of Public Safety and will use available technical assistance offered through the Bureau of Justice Assistance and the National Criminal Justice Association.

The Justice Assistance Council has oversight of other programs authorized under the Violent Crime Control Act of 1994, including the Violence Against Women STOP Formula Grant Program.

<sup>6</sup>Maine Office of Substance Abuse,; Substance Abuse Trends in Maine: State Epidemiological Profile 2013

The Department of Public Safety is the designated state administrative agency for **the following**

**Federal Grant Programs:**

Byrne Justice Assistance Grant  
Paul Coverdell Forensic Science Improvement Grant Program  
Project Safe Neighborhoods  
Residential Substance Abuse Treatment  
STOP Violence Against Women Formula Grant  
Buffer Zone Project  
DNA Forensic Casework Backlog Reduction  
High Intensity Drug Trafficking Area  
Port Security Grant Program  
Internet Crimes Against Children  
National Criminal History Improvement Program  
Homeland Security  
Walsh Implementation Grant  
State & Community Highway Safety Grant  
Alcohol Traffic Safety  
Occupant Protection  
Safety Belt Performance Grants  
Traffic Safety Information Systems  
Child Safety & Booster Seats Incentive  
Motorcycle Safety

This arrangement promotes the consideration of other BJA programs in the planning process and the development of coordinated and comprehensive approaches to programming the use of Federal grant resources.

**Coordination and Collaboration With Stakeholders in the Planning Process**

Other meeting venues were used for the JAG planning process. The Maine Chiefs of Police Association voted unanimously to support the multi-jurisdictional task force with Byrne JAG funds.

The Maine Department of Public Safety also collaborates in statewide coordinated law enforcement efforts to facilitate participation in the prescription drug “National Take Back Initiative” sponsored by the Drug Enforcement Administration. Maine consistently ranks first in the nation for the amount of drugs collected per capita during national drug take-back days.

Police throughout Maine gathered a record amount of unwanted prescription medication over the weekend as part of the sixth National Prescription Drug Take-Back Day on April 27, 2013. Departments collected 22,260 pounds of medication dropped off by residents at their local police station or other collection sites. Most of the collections were held Saturday. That's up

sharply from the 13,980 pounds collected last fall and higher even than the previous record of 19,980 pounds collected in the spring of 2012.<sup>7</sup>

### **Summary**

Maine continues to experience substantial and increasing problems with substance abuse, diversion, and trafficking of drugs. The related patterns of rising prescription drug abuse and narcotic abuse are increasing in rural areas. Without an effective program to disrupt the drug market, the State is unable to undermine the ability of drug suppliers to meet, expand, and profit from drug demand. A diminished or ineffective program impacts the State's ability to support prevention efforts by making initiation to drug use more difficult and fails to contribute to treatment efforts by eroding the ability of users to sustain their habits. Multi-jurisdictional drug task force activities will reduce the distribution, availability, and use of illicit drugs through a collaborative statewide drug enforcement effort.

### **D. PERFORMANCE MEASUREMENT DATA PLAN**

The Maine Dept. of Public Safety (DPS) administers and provides direct oversight of all activities related to federal grants using the U.S. Department of Justice – Office of Justice Programs Financial Guide. These resources provide guidance to DPS and sub-grantees in overall grant management activities, including financial and programmatic reporting requirements.

The SAA requires each subrecipient of Byrne JAG funds to complete a quarterly report on the Performance Measurement Tool (PMT) website, which is then compiled when the SAA submits the aggregated state quarterly PMT report to the Bureau of Justice Assistance. In addition, all funded program areas are required to also submit a DPS developed quarterly progress report that collects more detailed information on grant activities.

Each applicant is required to identify performance measures, activities and assessment of their project that receives Byrne/JAG funding in their application. This information will be used throughout the grant period for monitoring. Each application will be reviewed to assess goals, objectives and performance measures.

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<sup>7</sup> <http://www.onlinesentinel.com/news/Maine-drug-take-back-program-most-successful-yet.html>

**2013 BYRNE JUSTICE ASSISTANCE GRANT BUDGET**

<b>Purpose Area</b>	<b>Programs</b>	<b>Estimated Allocation</b>
<b>Law Enforcement</b>	1) Maine Drug Enforcement Agency (MDEA)	315,726.00
	2) Local pass-through for Ineligible Jurisdictions	239,208.00
<b>Prosecution</b>	Office of the Attorney General Drug Prosecution Support	177,000.00
<b>Community/State Projects</b>	Evidence-Based & Promising Practices	186,885.00
<b>Administration</b>	Staffing & Strategic Planning	102,091.00
<b>TOTAL</b>		<b>\$1,020,910.00</b>