

STATE OF MAINE
Maine Department of Public Safety
FY2018 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, and those funds 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)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

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.

Agency Categories Municipal / County Officers	# of Depts.	# of Authorized Full-Time Police	# of Authorized Part-Time Police
1-8 Officers	64	289	331
9-19 Officers	31	380	116
20-64 Officers	18	601	69
65+ Officers	3	303	0
Sheriff's Dept. (10 Judicial Marshal's)	16	390	240
SUBTOTAL	132	1,963	756
P/T Law Enforcement Agencies	11	0	31
State Law Enforcement Agencies			
Railroad Police	1	1	0
Dept. of Corrections LE Investigators	1	7	13
Dept. of Corrections Probation Officers	1	142	0
Baxter State Park Authority	1	4	0
Maine Forest Service	1	57	0
Maine State Police	1	318	0
Maine Warden Service	1	120	0
Maine Marine Patrol	1	42	0
Maine Judicial Marshal Office	1	118	0
Maine Capitol Police	1	13	0
Maine Fire Marshal Investigators	1	13	0
Maine University Police Departments	4	32	18
Attorney General Investigators	1	11	0
Motor Vehicle Investigators	1	11	0
Maine Drug Enforcement Agency	1	1	0
SUBTOTAL	18	877	31
TOTAL	161	2,840	818
Correctional Agencies	# of Depts.	# of Authorized Full-Time Corrections	# of Authorized Transport Officers
Mountain View Correctional Facility	1	122	0
Downeast Correctional Facility	1	24	0
Long Creek Youth Development	1	100	0
Maine Correctional Center	1	216	0
Maine State Prison	1	278	0
Maine Dept. of Corrections Main Office	1	1	0
County Jails	15	835	13
TOTAL	21	1,576	10

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 believed that there is a link between drug abuse, domestic violence, robbery, burglaries, other property crime and juvenile criminal behavior. These are ever present and successful investigations and offender prosecutions reduce 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 to 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 18 Byrne JAG funds will be used to support the following priorities:

1. Enhance the quality and effectiveness of drug enforcement
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 discussed the use of JAG funds for the Maine Drug Enforcement Agency (MDEA) at their meeting in September 2017 and will most likely have a similar discussion in September of 2018 at the annual meeting. All of the Chiefs accepting funds from the Byrne JAG fund source

for use to reimburse for sworn law enforcement personnel assigned to MDEA signed letters accepting the funds on behalf of Maine law enforcement as part of funds that could support local efforts. Those letters are attached to this document as Appendix A.

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 Uniform 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 and approved. Projects will be funded for up to two years and it is anticipated that projects will begin October 30, 2018 and end by September 30, 2020.

August 15, 2018	Posting of FY18 JAG Application for Public Comment
August 27, 2018	Final Review by Governing Body
August 22, 2018	Submit Byrne JAG Application
September/October 2018	Receive proposals from Subgrant Application Process

August 27, 2018	Review, Discussion and Approval of sub-awards by Justice Assistance Council
October/November 2018	Sub-grant Contracts Issued
Oct. 2018 – September 2019	Review of Statewide Criminal Justice Strategic Planning
Ongoing Task	Monitoring and Technical Assistance
September 2020	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) 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 federal, state and locally funded programs and projects.

Membership of the Justice Assistance Council comprises:

- The Commissioner of the Department of Public Safety, or designee
- Two Police Chiefs
- Director of the Office of Substance Abuse and Mental Health Services, or designee
- 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 or designee
- 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 on the Maine Department of Public Safety website and are open to the public. The Justice Assistance Council met on April 9, 2018 and endorsed the state's priorities for Byrne JAG funding. At that same time they reviewed a new version of the *Drug Control, Violence and Multi-Year Strategy* approved at their December 2016 meeting. The Statistical Analysis Center (SAC) was approved to update this plan update as part of their FY15 application to the Bureau of Justice Statistics. The final product has been a great help in the continued process of awarding federal grant funds to areas of greatest need. The document is continually posted on the Maine Department of Public Safety's homepage <http://www.maine.gov/dps/grants/documents/JAC-Strategy-FINAL-12-2016.pdf>.

Multi-jurisdictional Drug Task Force

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

- Maine Drug Enforcement Agency (MDEA)

Project Period: 18 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. The Office of Attorney General now receives full funding using a State of Maine General Fund source. This was approved by the 127th Maine Legislature that was convened on December 3, 2014. MDEA provides the administrative structure for coordination and control of regional multi-agency task force efforts. Participating agencies provide the resources permitting a comprehensive 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. These documents are attached as Appendix A.

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 six 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.

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.

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 because 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, decreased by 1.72% between 2015 and 2016. A total of 23,748 Index Offenses reported by police during 2016. During 2015 violent crime totaled 1,669, up 2.8% from 2015 and represents a crime of 1.25 per 1,000 population. Domestic violence offenses of assault showed a decrease of 4.7% from 4,907 in 2015 to 4,675 in 2016. For three years (2009-2011) there were increases the number of burglaries in Maine. Since 2012 there has been a decrease and that trend continues. A total of 3,991 burglaries were reported in 2016, a 14.6% percent decrease over 2015, when there were 4,675. Other crimes in Maine that decreased in 2016 include:

- Larceny-thefts, down 9 percent.
- Simple assaults, down 4.1 percent.
- Robbery, down 14.5 percent.

Executive Summary¹

All Maine communities are affected by drug use and abuse. The availability of illegal drugs, diverted prescription medications, related crime, medical and legal costs and the lives they impact are evidence of this. An effective enforcement program that disrupts the drug market is required to undermine the ability of drug suppliers to meet, expand, and profit from drug demand. This effort strengthens the State's ability to support prevention efforts by making initiation to drug use more difficult and contributes to treatment efforts by eroding the ability of users to sustain their habits and to alternatively seek treatment. The Maine Drug

¹ Maine Drug Enforcement Agency, *Annual Report 2017*, Department of Public Safety, State of Maine, 2018

Enforcement Agency through its regional multi-jurisdictional task forces is the lead state agency in confronting drug trafficking crime.

Maine Drug Enforcement, as a cornerstone of the State's enforcement strategy to address drug trafficking, provides the administrative platform for the effective and efficient use of limited resources through partnerships with federal, state, tribal and local law enforcement agencies. It is through Maine Drug Enforcement that the skills, expertise, and experience of officers assigned to its task force groups are brought together as a statewide drug task force. Maine Drug Enforcement has applied its investigative resources to the ongoing heroin, fentanyl, other opiate, cocaine and methamphetamine threat.

Highlights of 2017 activity, productivity, and cost-effectiveness by Maine Drug Enforcement District Task Forces include **coordinating information sharing** and **assisting numerous departments**, participated in **awareness and prevention efforts**, conducted **750 drug offense** investigations, the **participation of 47 law enforcement agencies** and **74 federal, state, and local public safety members** comprise the Maine Drug Enforcement Agency, participated in **awareness and prevention efforts**, removed **97 firearms** connected to illegal activity, made **569 drug-related arrests**, seized over **\$800,000 in illegally gained cash and assets** from drug traffickers, and removed over **\$2 million value illicit drugs** from the marketplace.

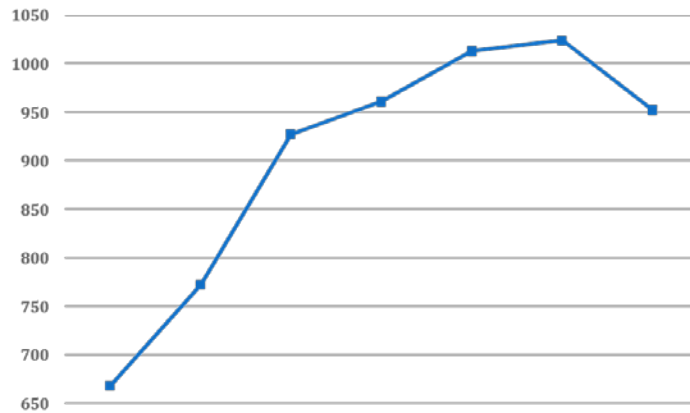
Maine Department of Health and Human Services reports:

Number of Drug Affected Baby Notifications Maine: 2011-2017

In 2016, there were **1,024** notifications to Child Protective Services regarding infants born exposed to substances, a 54 percent increase in five years.

In 2016, **eight percent** of the live births in Maine had substance exposed notifications.

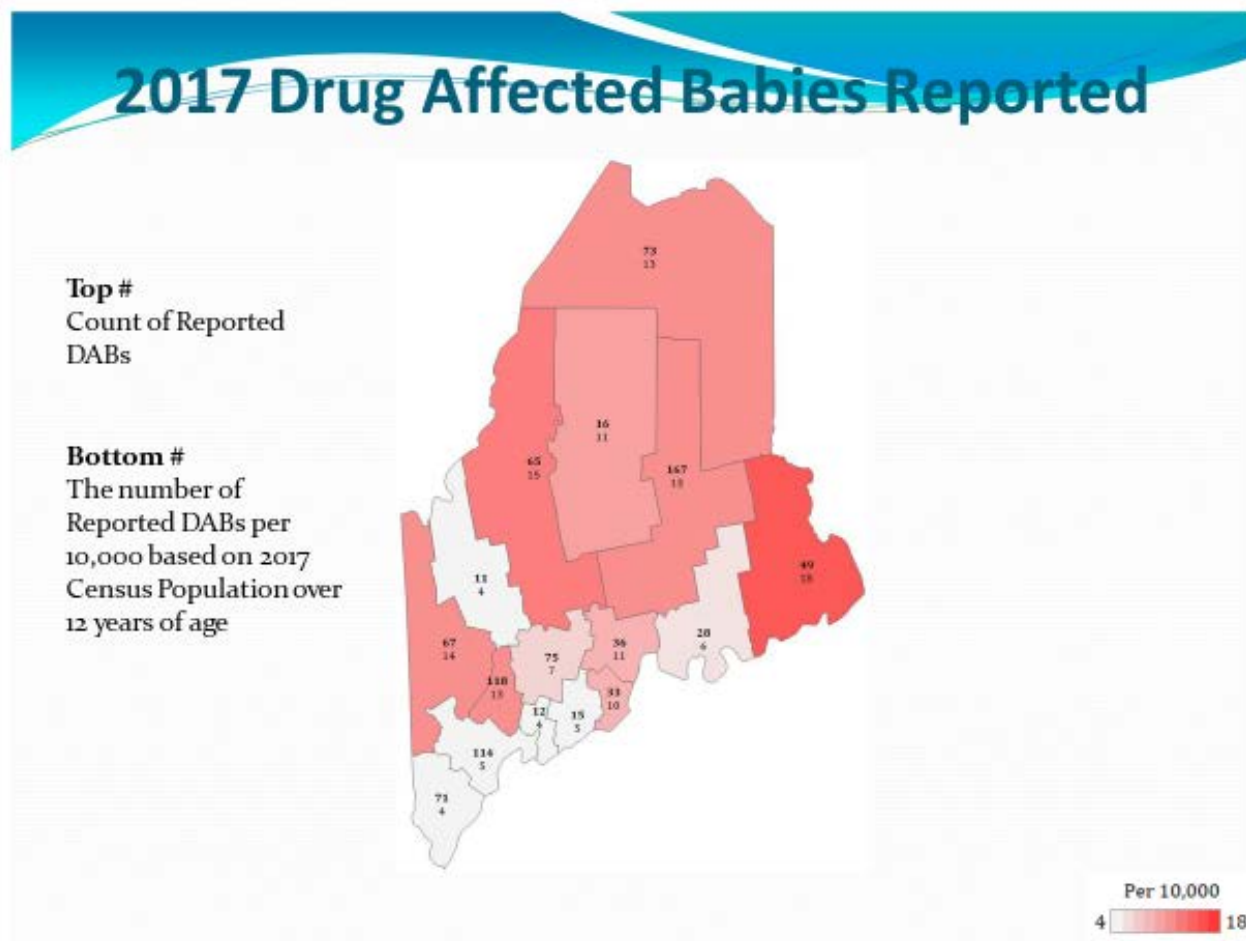
According to the CDC data on Neonatal Abstinence Syndrome, in 1999 Maine had an incident rate of 1.1 per 1,000 births and in 2012 that rate had climbed to 30.4 per 1,000. An estimated 80% of hospital charges for NAS are covered by state Medicaid programs. We estimate the NAS births per 1,000 in 2016 was 80.



	2011	2012	2013	2014	2015	2016	2017
Total	668	772	927	961	1013	1024	952

Source: Office of Child and Family Services (OCFS), Maine Automated Child Welfare Information System (MACWIS).

Department of Health and Human Services



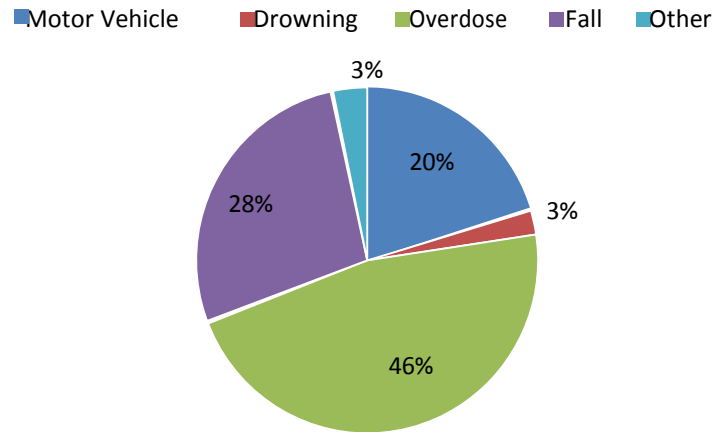
Maine Office of Chief Medical Examiner (OCME) report²:

Accidents:

The mode of death here refers to the type of event within a given category of Manner that led to an individual’s death. Some common modes of death for Manner being Accident are: motor vehicle collisions, drug overdoses, falls, and drownings. Over half of all cases the OCME investigates are accidents. Of all accident cases, the most common mode is unintentional drug overdoses, followed by falls, and then motor vehicle accidents.

² Office of Chief Medical Examiner, *Annual Report 2017*, State of Maine, 2018

Breakdown of Accidental Deaths by Mode

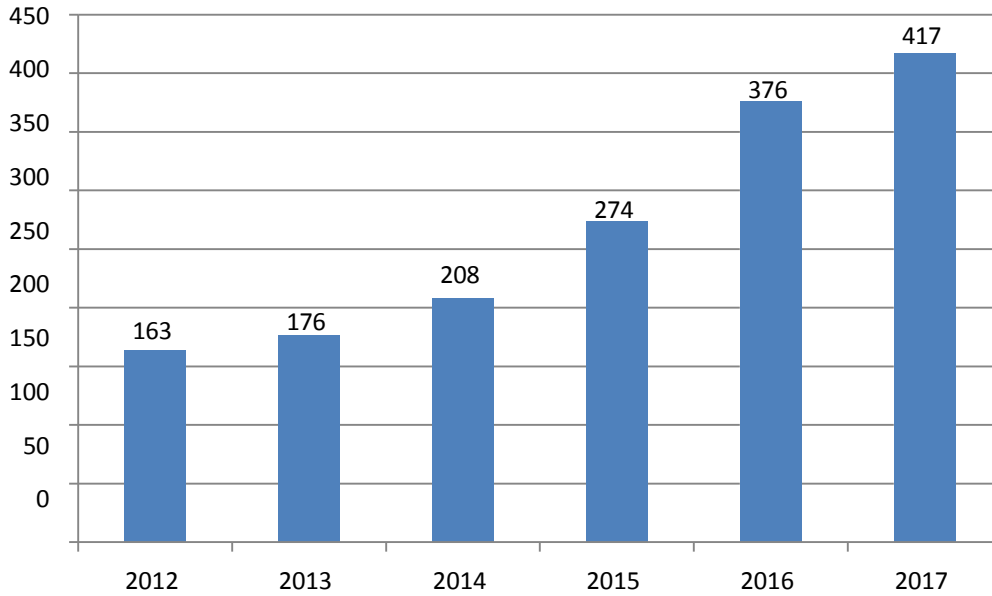


Drug Related Deaths:

When a case requires toxicologic testing, the OCME sends body fluid samples to NMS Labs in Pennsylvania (an accredited Forensic Toxicology reference laboratory). The OCME does not require toxicologic testing on every case; toxicology testing is performed primarily for suspected overdoses, individuals with little to no medical history, and drivers of motor vehicles. The OCME works closely with the Department of Highway Safety to report alcohol detected in drivers killed in motor vehicle accidents. As a part of this working relationship, the Department of Highway Safety pays for those implied consent alcohol screens. For the year 2017, the OCME sent samples for alcohol testing in 92 cases of drivers and pedestrians killed in motor vehicle accidents.

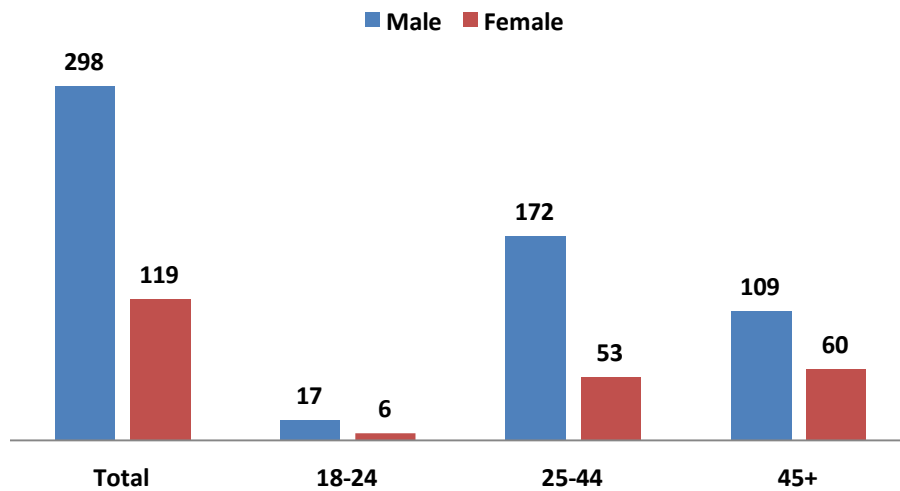
Maine has experienced a sharp increase in the total number of unintentional deaths caused by drug overdoses. These deaths are from pharmaceutical or illicit drugs used alone or in combination. The drug epidemic is not unique to Maine. According to the National Institute on Drug Abuse, the United States has seen an increase of 22,568 drug deaths over five years (2012-2016), which is a 35% increase. Maine has had a 56% increase over this same five-year period.

Drug Deaths 2012-2017



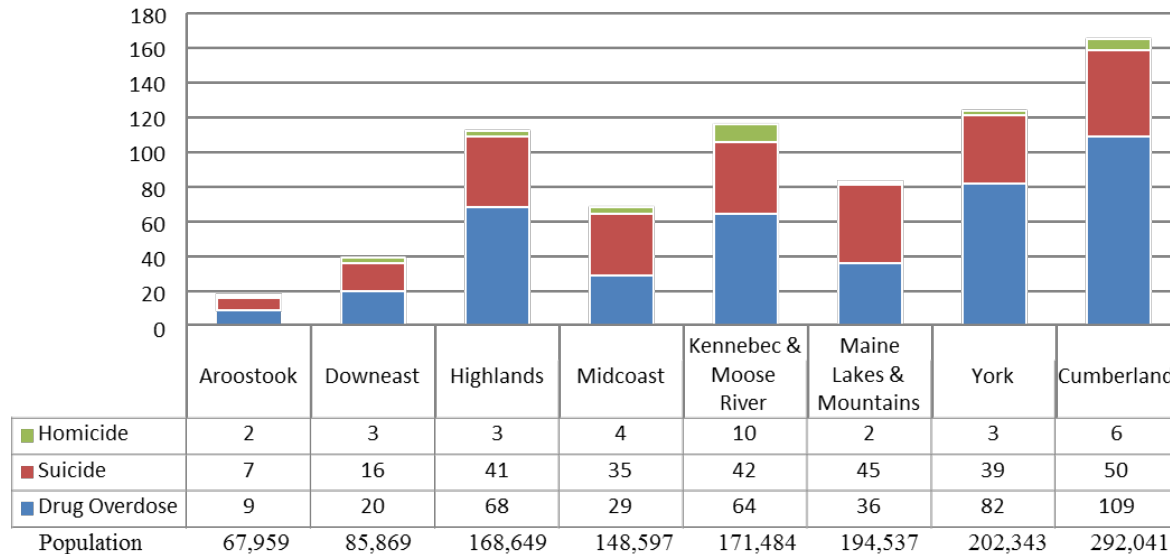
In 2017, the highest number of unintentional deaths occurred in men between the ages of 25 and 44 years; and in women 45 and older.

2017 Unintentional Drug Overdose by Age and Sex



NB: There were no drug overdoses in children under age 18

Analysis of Violent Deaths by Region



Expanded Maine Drug Death Report for 2017³:

This report, funded by the Maine Office of Attorney General, provides a summary of statistics regarding drug fatalities in Maine during 2017. Data for the report were collected at the Office of Chief Medical Examiner. A “drug death” is identified when one or more drugs are mentioned on the death certificate as a cause or significant contributing factor for the death. Analysis of these deaths reveals an 11% increase over 2016 in the total number of fatalities due to drugs, driven by a sharp 27% increase in overdoses due to non-pharmaceutical fentanyl and fentanyl analogs, and a sharp 27% decrease in heroin deaths. In addition, there has been an increase in both cocaine and methamphetamine deaths, and a decrease in deaths caused by benzodiazepines.

³ Marcella H. Sorg, PhD, *Expanded Maine Drug Death Report for 2017*, (Margaret Chase Smith Policy Center University of Maine, 2018)

Overview

- **Total:** In 2017 there were 418 drug-induced deaths statewide, 42 (11%) more than in 2016. This is a smaller increase than the increase between 2015 and 2016, which was 38%.
- **Manners of death:** Of these 418, 365 (87%) were accidental overdoses, 49 (12%) were suicides, and 4 (1%) undetermined manner.
- **Overall patterns of note in 2017:**
 - Most (79%) drug deaths were caused by two or more drugs. The average cause of death involved 3 drugs.
 - The vast majority of overdoses (85%) were caused by at least one opioid, including pharmaceutical and illicit (non-pharmaceutical) opioid drugs, similar to the 2016 proportion (84%).
 - Fentanyl (or its analogs) caused 58% of deaths, up from 51% in 2016.
 - Heroin caused 21% of deaths, down from 32% in 2016.
 - Cocaine-involved deaths, 22% of 2017 deaths, have increased from 16% since 2016.
 - Pharmaceutical opioid deaths, 30% of 2017 deaths, have decreased slightly from 33%. Most were not prescribed to the decedent.
 - The percent of overdoses with naloxone (Narcan) found in toxicology has increased from 25% in 2016 to 31%.
- **Demographic patterns:** Males outnumber females 2.5 to 1, the proportion increasing from 66% in 2016 to 72% in 2017. The average age has remained stable at 41.

	Total	Average Age	Age Range	Percent Male
All drug deaths	418	42	18-94	299 (72%)
Accidents	365	40	18-75	277 (76%)
Suicides	49	55	27-94	20 (41%)

Involvement of specific drug categories:

Specific drug or drug category causing the death (alone or in combination with other drugs and/or alcohol)	Number	Percent of 418 drug deaths
Number of deaths caused by more than one drug	330	79%
Any pharmaceutical drug	254	61%
Any opioid (pharmaceutical or non-pharmaceutical)	354	85%
Naloxone present in the toxicology report*	129	31%
Any illicitly manufactured drug (includes heroin/morphine, non- pharmaceutical fentanyl, fentanyl analogs, other illicitly-manufactured opioids, cocaine, methamphetamine, and	305	73%
Any non-pharmaceutical opioid drugs (heroin/morphine, fentanyl, fentanyl analogs, U-47700, mitragynine).	281	67%
Heroin/morphine and/or fentanyl or fentanyl analogs	281	67%
Fentanyl and/or fentanyl analogs (known pharmaceutical fentanyl removed)	247	59%
Heroin/morphine (known pharmaceutical morphine removed)	88	21%
Any pharmaceutical opioid (most were <u>not</u> prescribed to the decedent)	124	30%
Any benzodiazepine	98	23%
Cocaine	91	22%
Methamphetamine	16	4%

*Excludes cases with buprenorphine in toxicology.

Non-Pharmaceutical (“Illicit”) Fentanyl and/or Fentanyl Analog Deaths:

This category includes deaths caused by non-pharmaceutical (illicitly manufactured) fentanyl or fentanyl analogs. We removed all cases that involved known pharmaceutical fentanyl from these totals. There were 257 overdoses due to non-pharmaceutical fentanyl and/or fentanyl analogs in 2017. This is an 27% increase over the 194 deaths in 2016.

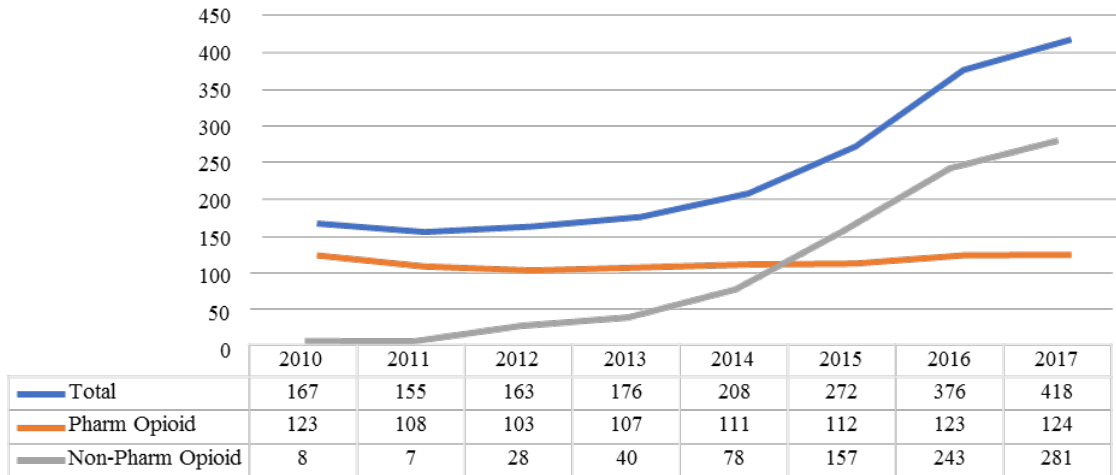
- 198 (80%) are male and 49 (20%) are female.
- The average age in illicit fentanyl/fentanyl analog deaths is 38 (age range 18-69).
- A smaller proportion of fentanyl/fentanyl analog deaths had heroin also listed as a cause of death: 22% in 2017, down from 39% in 2016.
- Cocaine is identified as a cause of death in 27% of the fentanyl/fentanyl analog deaths in 2017, up from 18% in 2016.

- The proportion of deaths caused by fentanyl analogs (alone or in combination) has risen slightly from 39% in 2016 to 43% in 2017. Several new fentanyl analogs have appeared in 2017: butyryl fentanyl (n=2), carfentanil (n=5), cyclopropyl fentanyl (n=8), and methoxyacetyl fentanyl (n=11).

- **Involvement of co-intoxicant drugs in non-pharmaceutical fentanyl deaths:**

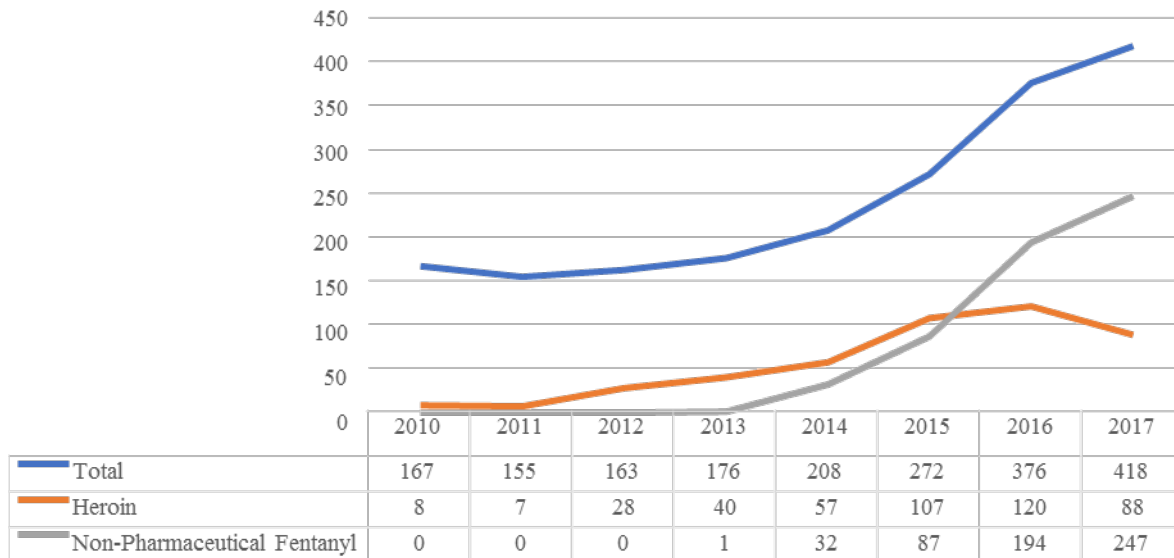
Specific co-intoxicants in addition to fentanyl and/or fentanyl analogs identified as a cause of death	Number	Percent of Fentanyl/Fentanyl Analog Deaths N=247
FENTANYL and FENTANYL ANALOG COMBINATIONS		
• Fentanyl (with or without fentanyl analogs)	198	80%
• Fentanyl analogs (with or without fentanyl)	107	43%
• <u>Both</u> non-pharmaceutical fentanyl and at least one fentanyl analog	58	23%
CO-INTOXICANTS IDENTIFIED IN FENTANYL and/or FENTANYL ANALOG DEATHS		
• One or more drugs (or alcohol) in addition to fentanyl and/or fentanyl analogs	215	87%
• One or more pharmaceutical opioids in addition to fentanyl and/or fentanyl analogs	45	18%
• Heroin/morphine in addition to fentanyl and/or fentanyl analogs	54	22%
• Alcohol in addition to fentanyl and/or fentanyl analogs	68	28%
• One or more benzodiazepines in addition to fentanyl and/or fentanyl analogs	45	18%
• Cocaine in addition to fentanyl and/or fentanyl analogs	67	27%

Total Deaths due to Pharmaceutical Opioids Compared to Non-Pharmaceutical (Illicit) Opioids, Alone or in Combination



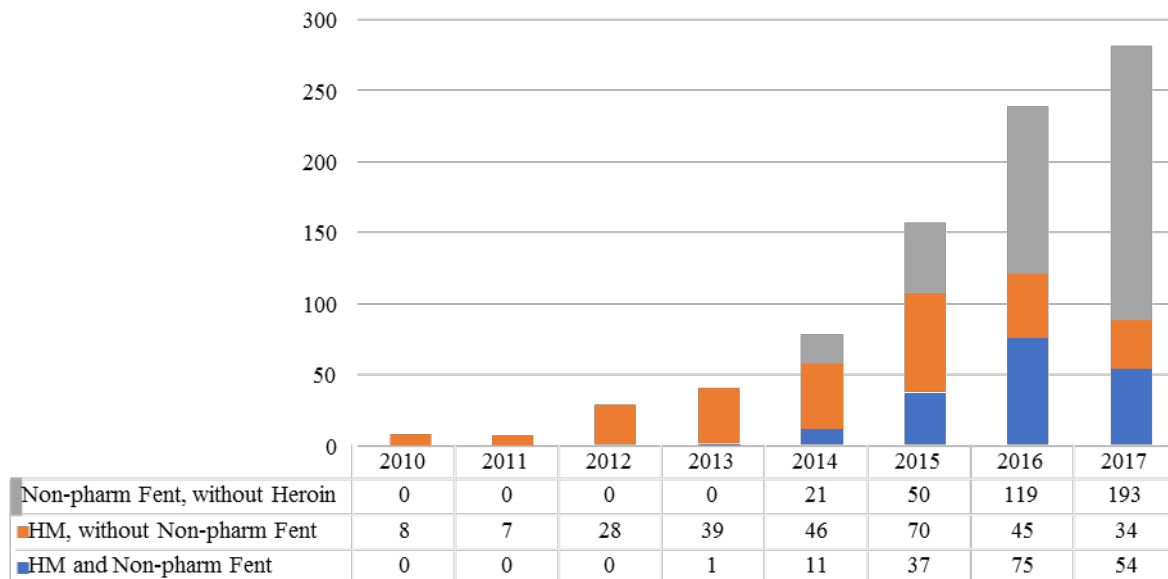
Comparison of the number deaths due to pharmaceutical versus non-pharmaceutical opioids, alone or in combination with other drugs or alcohol.

Deaths due to Heroin/Morphine and Non-Pharmaceutical Fentanyl and/or its Analogs



Total drug deaths with subtotals for the number of deaths due to heroin/morphine and non-pharmaceutical fentanyl and/or its analogs. Although separate totals are provided for heroin/morphine and fentanyl/fentanyl analog fatalities, many deaths include both drug categories

Deaths Due to Heroin/Morphine (HM) and Non-Pharmaceutical Fentanyl and/or its Analogs, Alone or in Combination with Each Other



Total deaths due to heroin/morphine (“HM”) with non-pharmaceutical fentanyl (Non-pharm Fent”) and/or its analogs, alone or in combination with each other

Maine’s Drug Threat:

The 2017 Drug Threat Assessment, as prepared by the New England High Intensity Drug Trafficking Area (NEHIDTA) Investigative Support Center (ISC) and approved by the NEHIDTA Executive Board, outlines that the overall drug threat to the NEHIDTA increased over the past year. The top drug threats to New England in 2017 included heroin, fentanyl, and controlled prescription drugs. In 2016, the threat associated with heroin and fentanyl became increasingly interrelated. Samples of purported heroin now contain significant amounts of fentanyl, making it difficult to distinguish between the two drugs absent laboratory analysis. Both heroin and fentanyl contributed to an increase in opioid-related fatalities across New England in 2016, as reflected by medical examiner data in all six states. Cumberland County, the most populous county in Maine, is a NEHIDTA designated county.

MDEA participated in the development of the 2017 NEHIDTA ISC's Drug Threat Assessment. In summary, the threat assessment identified heroin trafficking and its consumption remaining as a high threat due to its widespread availability through all New England states, low cost, high incidence of addiction, association to other criminal activities, and negative economic impact. The high demand for heroin coupled with its relatively low price resulted in spikes of its usage and overdoses.

Regarding other opioids, the threat assessment outlined a significant overlap between heroin and prescription opioid user groups in New England, and its threat as substantial in New England. This overlap is due in part to the comparatively inexpensive price of heroin, higher availability of heroin, and decrease in supply of controlled prescription drugs. While a variety of controlled pharmaceuticals are available for illicit purchase, oxycodone and (to a lesser extent) hydrocodone products are the preferred opioid analgesics. Detoxification and maintenance-assisted drugs such as Methadone and Buprenorphine are also being diverted. Pain clinics in the southern New England states continue to be targeted by fraudulent prescription rings while employee pilferage from pharmacies remains the most frequently occurring method of diversion.

A high profit margin is encouraging out-of-state drug distributors and their organizations to establish distribution networks in Maine. Previously, these organizations would travel to Maine with a modest amount of drug, rent a motel room and sell their product for a day or two then either leave the state to return another day or receive multi-ounce quantities of drugs every few days. That trend has been replaced with the distributors traveling to Maine with kilogram quantities. The distributors then supply local distributors who are often addicts themselves. These dealers collect their money and

re-supply the local distributor. This activity decreases the risk to the out-of-state distributors of encountering law enforcement in undercover capacities. It also alleviates single location seizures of the drugs and cash in instances of law enforcement intervention. Absent the presence of out-of-state based and supplied traffickers in their communities, area drug dealers are still able to get in the car and drive to southern New England source cities to obtain drugs for transportation into Maine.

Drug-related violence continues. Debriefings of defendants and intelligence information continue to indicate the propensity for violence in drug trafficking networks. This is especially true in cases involving robbery of drugs and cash, and the collection of outstanding drug debts. The violent collection of drug debts through intimidation, weapons display, and severe beatings appears to be quite prevalent, especially relating to cocaine and crack distribution. The possession and use of firearms and sometimes their exchange for drugs is a reminder of the threat these groups pose to Maine. Violence among street gangs is increasing in the New England Region, particularly violence associated with territorial disputes.

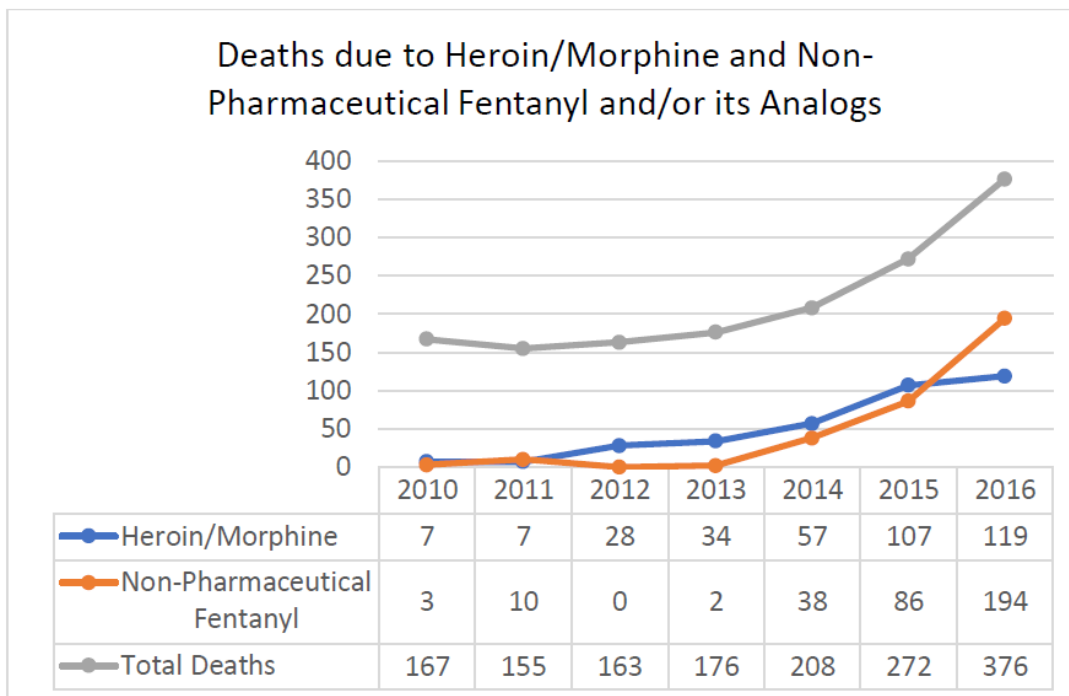


Figure 3. Total drug deaths with subtotals for the number of deaths due to heroin/morphine and non-pharmaceutical fentanyl and/or its analogs. Although separate totals are provided for heroin/morphine and fentanyl/fentanyl analog fatalities, many deaths include both drug categories.

While a variety of controlled pharmaceuticals are available for illicit purchase, oxycodone and (to a lesser extent) hydrocodone products are the preferred opioid analgesics. Fentanyl has also increasingly been associated with heroin samples. Detoxification and maintenance-assisted drugs such as Methadone and Buprenorphine are also being diverted. Pain clinics in the southern New England states continue to be targeted by fraudulent prescription rings while employee pilferage from pharmacies remains the most frequently occurring method of diversion.

Accomplishments & Challenges:

Operating in a task force environment has its accomplishments while also having distinct challenges. Personnel are constantly rotating in and out of the task force groups creating training challenges and impacting abilities to further long-term more complex investigations. Advances in technology and adaptations by the drug trafficking groups present another set of distinct

challenges. At the same time, equipment necessary to fulfill Maine Drug Enforcement's mission have been obtained and some of the most significant drug seizures have taken place.

Accomplishments:

Investigative successes resulting from a more focused "targeting" approach by the task force groups have led to significant cases and removal of drugs from Maine's communities. Cumberland District Task Force arrested eleven out-of-state dealers that led to several major federal investigations.

A two-year North Central District Task Force heroin/cocaine investigation with USDEA led to the arrest of two defendants that face ten-year mandatory minimum charged with conspiracy to distribute more than 5-kilograms of heroin and another 5-kilograms of cocaine base.

A methamphetamine investigation led by the Aroostook District Task Force has resulted in the seizure of over 1.4-kilograms methamphetamine to date with this investigation possibly resulting in the largest-documented methamphetamine case in Maine history. A three-month investigation by the York District Task Force led to two arrests and the largest seizure of heroin – 1.7-kilograms – in Maine history. From this same event, another kilogram was seized in Massachusetts by USDEA.

A Mid-Coast/York District Task Forces investigation led to the seizure of 0.5-kilogram of cocaine, 0.75-kilogram of heroin and the arrest of a Maine resident and three Massachusetts-based suppliers.

The Western District Task Force dismantled a drug trafficking ring responsible for the importation of kilogram quantities of heroin and cocaine base from Massachusetts into the Oxford County region.

Finally, a Downeast District Task Force investigation led to the arrest of two defendants and seizure of more than 400 counterfeit oxycodone tablets that in fact contained fentanyl.

New technology:

Money counters with the ability to record serial numbers; new generation of covert audio devices; new records management system; new generation of GPS tracking devices; and additional TruNarc™ handheld narcotics ID analyzers.

Challenges:

Training and implementation of the new records management system; creating partnerships and stronger working relationships with state and local law enforcement agencies in source cities of drugs to enhance Maine Drug Enforcement’s ability to dismantle drug trafficking groups operating in Maine; develop special agents with the desire and skills necessary to pursue long-term and more complex investigations to have a greater impact on drug availability in Maine; lack the analytical support staff to maximize investigative capacity;

Outputs:

<i>Category</i>	<i>2015 Total</i>	<i>2016 Total</i>	<i>2017 YTD</i>
Drug Offense Investigations Initiated	1,122	1,056	749
Judicial Search Warrants Served	350	254	238
Lab-related Incidents	56	126	58
Overtime Hours	3,333	3,225	1,644
Firearm Seized	91	57	97
Assets Seized	10	13	13
Value of Assets Seized	\$182,200	\$77,302	\$158,797
Currency Seizures	104	156	152
Value Currency Seized	\$607,524	\$403,934	\$645,158

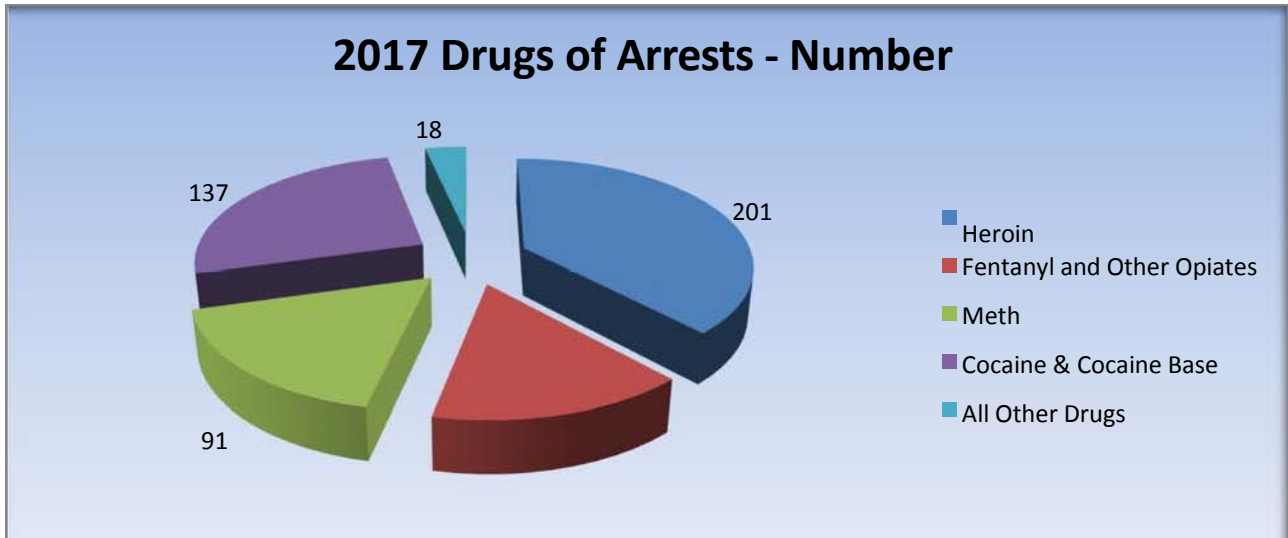
Drug seizures YTD:

- 1,717 g Fentanyl
- 5,362 g Heroin
- 1,694 g Cocaine Powder
- 166 g Methamphetamine
- 5,119 Dosage Units prescription drug narcotics (Oxycodone, Hydrocodone, Methadone, etc.)
- 6,013 Dosage Units other controlled prescription drugs (Benzodiazepines, Methylphenidates, etc.)
- Other drug seizures included:
- 6,794 g and 219 plants Marijuana: and
- 398 g of LSD, MDMA, Cannabinoids, Cathinones, Psilocybin, and PCP.

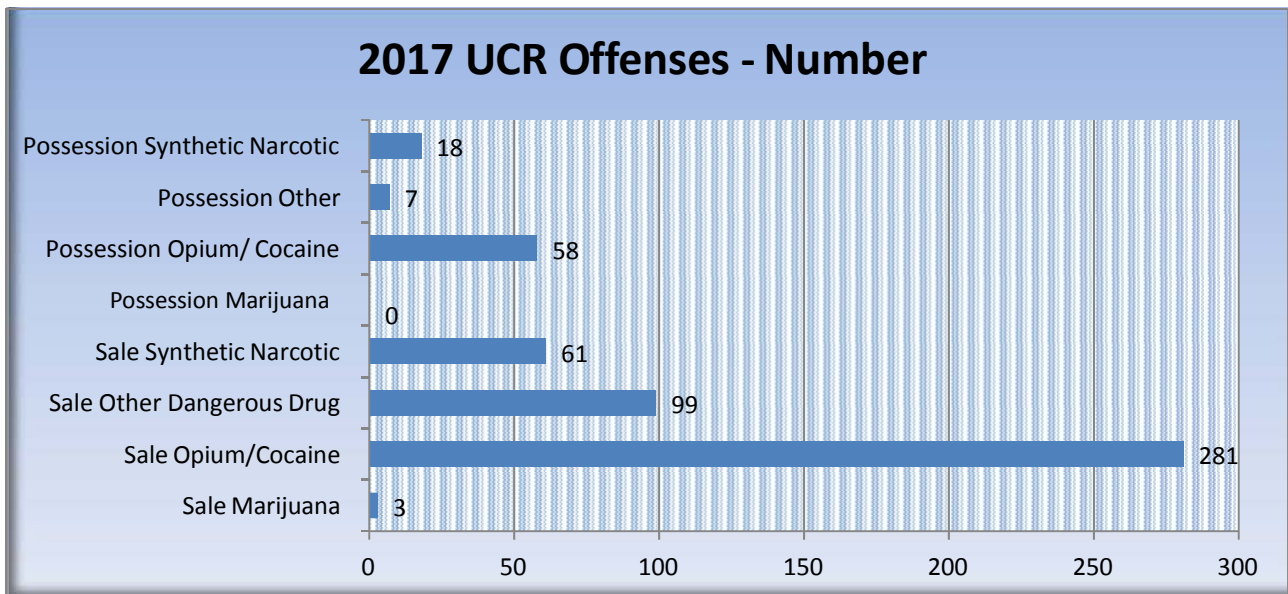
Drug Offense Investigations Initiated:

<i>Category</i>	<i>2015 Total</i>	<i>2016 Total</i>	<i>2017 YTD</i>
Hallucinogen	9	11	10
Heroin	481	533	314
Fentanyl & Other Opiate Drugs	41	43	86
Cocaine	236	161	234
Synthetic Narcotic	145	112	37
Narcotic Equipment	0	0	0
Marijuana	54	17	1
Amphetamine	149	173	103
Barbiturate	0	1	1
Fraud Obtaining Prescription Drugs	7	5	1
TOTAL	1,122	1,056	750

Data Source: Maine Department of Public Safety, Maine Drug Enforcement Agency



Heroin, fentanyl, and all other opiate drugs represent 53% of all drug offenses, followed by cocaine and cocaine base at 26%, methamphetamine at 17% and all other drugs (marijuana, tranquilizers and so-called bath salts) the remaining 3%.



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. The Office of the Attorney General's Drug Prosecutors provides the prosecutorial expertise in prosecuting drug crime.

Gaps in Resources:

Budget shortfalls have not allowed for full funding of the Multi-Jurisdictional Drug Task Force Program or the Drug Prosecutors. However, there has been progress gaining state revenues for the program. MDEA now receives approximately 70% of its funding from state sources and only relies on 30% on federal funding. The Office of the Attorney General receives 100% of its funding from the general fund. This was approved by the 127th Maine Legislature that was convened on December 3, 2014.

C. ADDITIONAL STRATEGIC PLANNING/COORDINATION EFFORTS

Statewide criminal justice strategic planning effort will continue in order to update Maine's criminal justice strategy. This is coordinated by the Maine Department of Public Safety and uses 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, and Residential Substance Abuse Treatment (RSAT).

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
- DNA Forensic Casework Backlog Reduction
- High Intensity Drug Trafficking Area
- Port Security Grant Program
- Internet Crimes Against Children
- National Criminal History Improvement Program
- 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 consistently votes 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 in the top states 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 fifteenth National Prescription Drug Take-Back Day on April 28, 2018. Departments collected 28,560 pounds of medication dropped off by residents at their local police station or other collection sites. These drugs were incinerated.

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 containing the information needed 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.

Summary

Maine continues to experience substantial and increasing problems with substance abuse, diversion, and trafficking of drugs. 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.

Appendix A

MDEA Acceptance Letters

Signed letters to be submitted to BJA when received
from the Law Enforcement Agencies



STATE OF MAINE
Department of Public Safety
Maine Drug Enforcement Agency
166 State House Station
Augusta, Maine
04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

Aroostook County Sheriff's Office
Acting Sheriff Shawn Gillen
25 School Street, Suite 216
Houlton, ME 04730

Re: Byrne JAG Letter

Dear Sheriff Gillen:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

The U.S. Department of Justice, Bureau of Justice Assistance requires that departments receiving the funds be individually acknowledge – that the funds in question are set aside for local government use; proposed project will provide a direct local benefit; and funding the project at the state level is in the best interest of the local unit of government. Previously, this requirement was met with language in Rider D, paragraph 5 of the agreement assigning your officer to the MDEA.

To satisfy BJA's requirement requires a letter from you, on department letterhead, to Commissioner Morris acknowledging this. I have attached a draft, for your consideration, that will satisfy the BJA requirement.

If all is in order, I request that you mail or scan/email the letter to Tracy Poulin (contact information is below) at your earliest convenience so that we may expeditiously satisfy BJA's requirement, and mail the original. Tracy's contact information is below.

If you wish to discuss further, let me know.

MAINE'S STATEWIDE DRUG TASK FORCE
WORKING FOR A DRUG-FREE MAINE

Offices located at: 45 Commerce Drive
(207) 626-3850 (Voice) (207) 287-3659 (TDD) (207) 287-3042 (Fax)



STATE OF MAINE
Department of Public Safety
Maine Drug Enforcement Agency
166 State House Station
Augusta, Maine
04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

Cumberland County Sheriff's Office
Sheriff Kevin Joyce
36 County Way
Portland, ME 04102

Re: Byrne JAG Letter

Dear Sheriff Joyce:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

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04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

Ellsworth Police Department
Chief Glenn Moshier
1 City Hall Plaza
Ellsworth, ME 04605

Re: Byrne JAG Letter

Dear Chief Moshier:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

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STATE OF MAINE
Department of Public Safety
Maine Drug Enforcement Agency
166 State House Station
Augusta, Maine
04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

Lincoln County Sheriff's Office
Sheriff Todd B. Brackett
42 Bath Rd.
P.O. Box 611
Wiscasset, ME 04578

Re: Byrne JAG Letter

Dear Sheriff Brackett:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

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Maine Drug Enforcement Agency
166 State House Station
Augusta, Maine
04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

Skowhegan Police Department
Chief David Bucknam
225 Water St.
Skowhegan, ME 04976

Re: Byrne JAG Letter

Dear Chief Bucknam:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

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Department of Public Safety
Maine Drug Enforcement Agency
166 State House Station
Augusta, Maine
04333-0166

PAUL R. LEPAGE
GOVERNOR
JOHN E. MORRIS
COMMISSIONER

ROY E. MCKINNEY
DIRECTOR

August 20, 2018

University of Maine Police Department
Chief Roland Lacroix
81 Rangeley Rd.
Orono, ME 04469-5794

Re: Byrne JAG Letter

Dear Chief Lacroix:

I write to notify you of a requirement regarding the Byrne JAG funds that are received by the MDEA. These funds are for the purpose of reimbursing the salary and benefits of those officers assigned to the drug task force effort.

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Appendix B

Certifications

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program FY 2018 State Solicitation

Certifications and Assurances
by the Chief Executive of the Applicant Government

On behalf of the applicant "State" named below, in support of that State's application for an award under the FY 2018 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant State named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant State. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant State.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the State (e.g., the State legislature), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant State will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.
7. I have examined the certification entitled "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I certify that I have no reason to believe that certification to be false or otherwise incorrect.
8. I have examined the certification entitled "State or Local Government: FY 2018 Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1357(a), & 1366(1) & (3)" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I certify that I have no reason to believe that certification to be false or otherwise incorrect.



Signature of Chief Executive of the Applicant "State"

Paul R. LePage

Printed Name of Chief Executive

State of Maine, Department of Public Safety

Name of Applicant State



Date of Certification

Governor

Title of Chief Executive

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644

On behalf of the applicant government entity named below, and in support of its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

- (1) I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
- (2) I have carefully reviewed 8 U.S.C. §§ 1373(a) & (b), and 1644, including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information regarding citizenship and immigration status. I also have reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. §§ 1373 & 1644 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security.
- (3) I (and also the applicant entity) understand that the U.S. Department of Justice will require States and local governments (and agencies or other entities thereof) to comply with 8 U.S.C. §§ 1373 & 1644, with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2018 OJP Program.
- (4) I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (*see* 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (*cf.* 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (*i.e.*, one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
- (5) I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning the following (which, for the specific purpose of paragraph 5, shall not be understood to include any "program or activity" of any subrecipient at any tier):—
 - (a) the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2018 OJP Program; and
 - (b) any prohibitions or restrictions potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that deal with sending to, requesting or receiving from, maintaining, or exchanging information of the types described in 8 U.S.C. §§ 1373(a) & (b), and 1644, whether imposed by a State or local government entity, -agency, or -official.
- (6) As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that deals with either— (1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. §§ 1373(a) & 1644; or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).



Signature of Chief Legal Officer of the Jurisdiction

8/20/2018

Date of Certification

State of Maine, Department of Public Safety

Name of Applicant Government Entity (*i.e.*, the applicant to the FY 2018 OJP Program identified below)

Janet T. Mills

Printed Name of Chief Legal Officer

Attorney General

Title of Chief Legal Officer of the Jurisdiction

FY 2018 OJP Program: Byrne Justice Assistance Grant (JAG) Program: State

Rev. August 16, 2018

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

State or Local Government: FY 2018 Certification Relating to
8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)

On behalf of the applicant government entity named below, and in support of its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief legal officer of the State or local government of which the applicant entity named below is a part ("the jurisdiction"), and I have the authority to make this certification on behalf of the jurisdiction and the applicant entity (that is, the entity applying directly to OJP). I understand that OJP will rely upon this certification as a material representation in any decision to make an award to the applicant entity.
2. I have carefully reviewed each of the following sections of title 8, United States Code:
 - a. § 1226(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government "shall take into custody" certain criminal aliens "when the alien is released");
 - b. § 1231(a) (providing that a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien incarcerated by a State or local government, or by the federal government, from the United States generally "begins" no later than "the date the alien is released from detention or confinement; and providing that the federal government may not "remove an alien [including "an alien in the custody of a State (or a political subdivision of a State)"] who is sentenced to imprisonment until the alien is released from imprisonment");
 - c. § 1324(a) (forbidding any "person," in "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law," to "conceal[], harbor[], or shield[] from detection, or attempt[] to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation" or to "engage in any conspiracy to commit any of the preceding acts ... or aid[] or abet[] the commission of any of the preceding acts");
 - d. § 1357(a) (authorizing immigration officers, "anywhere in or outside the United States" (see 8 C.F.R. § 287.5(a)), to "interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States"); and
 - e. § 1366(1) & (3) (requiring the Attorney General annually to submit to Congress "a report detailing ... (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense; [and] (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal").
3. I (and also the applicant entity) understand that USDOJ will require States and local governments (including State and local government entities, -agencies, and -officials), with respect to any "program or activity" funded in whole or in part with the federal financial assistance provided through the FY 2018 OJP program under which this certification is being submitted (the "FY 2018 OJP Program" identified below), specifically including any such "program or activity" of a governmental entity or -agency that is a subrecipient (at any tier) of funds under the FY 2018 OJP Program, not to violate, or to aid or abet any violation of, 8 U.S.C. § 1324(a), and not to impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a) or relating to 8 U.S.C. § 1366(1) & (3) or 8 U.S.C. § 1226(a) & (c).
4. I (and also the applicant entity) understand that, for purposes of this certification, "program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. § 2000d-4a), and that terms used in this certification that are defined in 8 U.S.C. § 1101 mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 34 U.S.C. § 10251(a)(2)). Also, I understand that, for purposes of this certification, neither a "public" institution of higher education (*i.e.*, one that is owned, controlled, or directly funded by a State or local government) nor an Indian tribe is considered a State or local government entity or -agency.
5. I have conducted (or caused to be conducted for me) a diligent inquiry and review concerning the following (which, for the specific purpose of paragraph 5, shall not be understood to include any "program or activity" of any subrecipient at any tier):
 - a. the "program or activity" to be funded (in whole or in part) with the federal financial assistance sought by the applicant entity under this FY 2018 OJP Program; and
 - b. any laws, rules, policies, or practices potentially applicable to the "program or activity" sought to be funded under the FY 2018 OJP Program that implicate any of the requirements relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3) that are described in paragraph 2 of this certification, whether imposed by a State or local government entity, -agency, or -official.
6. As of the date of this certification, neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any law, rule, policy, or practice that would apply to the "program or activity" to be funded in whole or in part under the FY 2018 OJP Program (which, for the specific purpose of this paragraph 6, shall not be understood to include any such "program or activity" of any subrecipient at any tier), and that would or does— (1) violate, or aid or abet any violation of, 8 U.S.C. § 1324(a); (2) impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a); or (3) impede the exercise by federal officers of authority relating to 8 U.S.C. § 1226(a) or (c), 8 U.S.C. § 1231(a), or 8 U.S.C. § 1366(1) or (3).

Janet T. Mills

Printed Name of Chief Legal Officer
Attorney General

Title of Chief Legal Officer of the Jurisdiction

Signature of Chief Legal Officer of the Jurisdiction

Date of Certification

State of Maine, Department of Public Safety

Name of Applicant Government Entity (*i.e.*, the applicant to the FY 2018 OJP Program identified below)

FY 2018 OJP Program: Byrne Justice Assistance Grant (JAG) Program: State

Rev. August 16, 2018