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**STATE OF MAINE**

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Maine Prosecutors Association Testimony: LD 967  
IN OPPOSITION

Dear Committee Members:

I am here today to express that Maine Prosecutor's Association opposition to LD 967. Let me be clear: in the MPA, we do not all hold identical beliefs regarding prosecution of drug possession, and we do not all have the same opinion or policies regarding tackling opioid use disorder. What we do agree on is that we do not have the healthcare infrastructure to keep our communities safe without the ability to criminally prosecute possession of controlled substances, always relying on our discretion as prosecutors.

I will explain from my standpoint. In my district, Prosecutorial District 6, consisting of the four Midcoast counties of Waldo, Knox, Lincoln and Sagadahoc Counties, we prosecute possession of controlled substances only under certain circumstances. We are so lucky to have incredible law enforcement agencies in D6 who recognize that we are not going to arrest our way out of this tragic epidemic. We realize that medical and mental health treatment are the only effective methods to combat this illness. Our agencies have implemented Law Enforcement Diversion Programs throughout the coast, all tailored to their communities. Investing in community based work is incredibly effective and creates community and connection.

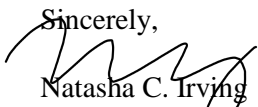
Unfortunately, our citizens are dying while in treatment. We know that relapse is the rule, not the exception, and virtually every person I have known professionally or personally with opioid use disorder has engaged in treatment. There are circumstances in which charging is, in my opinion, the last option in the work of trying to keep our community members with opioid use disorder alive. The concrete example, from across my district, is the person that has been diverted into treatment, multiple times, and that person has overdosed, multiple times. Eventually, law enforcement summonses this person for possession, to get them on bail conditions of no use or possession, and to exert more pressure into staying in treatment or entering inpatient treatment. These are cases we are prosecuting right now.

I do not suggest that we legislate by anecdote. This testimony is informed by the feedback we have received from addiction treatment providers throughout the state. I have thought deeply about the philosophical implications of the prohibition of drugs: how it stigmatizes individuals who are sick and suffering, how the

power of the prosecutor has been used to punish instead of treat, that we do not criminalize other medical conditions on their face as we do with addiction. These philosophical questions take a back seat when we get a call at 6:00 AM from a police officer who is sitting with a parent, a husband, or a child who has found their loved one dead from an overdose. We got these calls more than 500 times last year.

My belief is that we need more investment and development in Law Enforcement Diversion Programs, community treatment centers, harm reduction sites, and restorative justice centers. We should invest in prosecutorial data collection and analysis to see what actually works in our communities, and what does not. We should invest in drug courts, veterans' courts, and co-occurring disorders courts. We should invest in prevention, mental health and substance use treatment options for our youth, which is entirely and horrifically lacking in Maine. As prosecutors, we feel that a complete decriminalization of possession of drugs without this community investment strips us of our last resort to save the lives of our friends, our families and our neighbors.

Sincerely,



Natasha C. Irving  
District Attorney, Prosecutorial District 6