

**Commission to Examine Reestablishing Parole
(Resolve 2021, Chapter 126)**

Preliminary Findings, Recommendations, and Considerations for Discussion

Type of Parole System: Presumptive, Discretionary, or Other

Suggested by

- | | |
|--|-----------|
| <ul style="list-style-type: none">• Parole should be presumptive and available to all prisoners. | Jones |
| <ul style="list-style-type: none">• Qualifying for Parole should be presumptive, subject to final determination of an independent Parole Board. This means all incarcerated individuals will be able to apply for parole after meeting the minimum requirements. | Evangelos |
| <ul style="list-style-type: none">• Safety first and certainly they should earn to get out not automatically be eligible for Parole. | Cyrway |

Changes or Additions to Current Programs

Suggested by

- | | |
|--|----------|
| <ul style="list-style-type: none">• Expansion of SCC, incorporating earlier eligibility and due process if/when certain criteria is met. | Irving |
| <ul style="list-style-type: none">• The MDOC believes that there is already a system in place to allow rehabilitated residents to release to the community prior to their sentence ending, the Supervised Community Confinement Program (SCCP).

SCCP offers checks and balances to ensure both public safety and resident success. Throughout the course of the Commission’s meetings the MDOC has heard a fair critique of SCCP, that it neglects rehabilitated clients who are serving long sentences. To that end, the MDOC has had preliminary conversations with the Governor’s Office about expanding SCCP requirements to better serve a broader group of rehabilitated residents, even those serving long sentences.

The MDOC believes that expanding SCCP gets to the crux of the desire among this commission, that people who’ve shown success at rehabilitating have an opportunity to return to the community sooner, and it does so without creating a new system, new agency, new staff, new budgets. | MaineDOC |
| <ul style="list-style-type: none">• I feel that Parole is already incorporated in the system we currently have and many changes would be difficult to separate as we have it set up now. | Cyrway |

Not in favor of adding Parole but would be in favor to enhance what we have currently in place and have more resources to give more opportunity for success to release in a safe and successful manner into the community.

When/how Parole is Applied and Eligibility Calculated

Suggested by

- **Parole eligibility should be determined by the length of sentences with work and good time credit awarded based on inmate behavior and program participation. Offenders should be required to serve one-half (1/2) of their sentence before becoming eligible for parole.** Jones
- **While this is open for debate/discussion, the structure of LD-842 is a good basis for time limit determinations: The person's sentence was imprisonment for life or for any term of not less than 25 years and the person has served at least 20 years of that sentence, or the person's sentence was imprisonment for a term of at least one year to 25 years and the person served not less than 1/2 of the sentence of imprisonment or 1/2 of the most recent sentence imposed by the court, whichever is greater.** Evangelos
- **Eligibility requirements for parole should prioritize behavior and personal transformation during the time of an incarcerated person's sentence. Focusing solely or too heavily on the underlying offense does not necessarily ensure safety.** Parrish
- **Extreme care should be taken when looking at risk assessment tools, which have been known historically to perpetuate disparities regarding access to alternative programs or release.** Parrish

Process for Hearings, Denials, Re-Hearings, and Violations

Suggested by

- **When parole is denied there should be a presumptive schedule for future parole eligibility. It should be based on the category of offense and the original sentence. Presumptive terms are established by the parole board which must have annual open public hearings to allow public input before the presumptive terms are adopted. This way victims will have input and not be impacted by parole hearings every year.** Jones
- **Generally, I support the structure of LD-842, including the administrative release guidelines, revocation procedures, and final release guidelines.** Evangelos

Parole Hearing and granting of Parole as follows:

Parole hearing. The board shall hold a hearing, which must be video recorded, to review an application for parole. The board shall use its administrative release guidelines and any other information it determines relevant in its review. A person seeking parole must be represented by legal counsel. The board may hear testimony from both the person seeking parole and any victims, and the board may hear their testimony separately.

Parole granted. If after a hearing under subsection 3 the board grants parole, the board shall impose any conditions it determines appropriate to mitigate the risk of the person's again violating the law.

- **If the Parole Board denies an application after a hearing, applicant may reapply after 1 year.** Evangelos

Requirements Related to Supervision

Suggested by

- **Parole officers should be under the Parole Board instead of the Department of Corrections. They should be trained in casework, evidence-based supervision** Jones
- **What would be needed for Training. I am hoping it would not just be counselors. This would not be a safe type system to deal with. Criteria is important as to their job description.** Cyrway
- **People released on Parole will complete the remainder of their sentence on the outside, under the custody and care of the Probation/Parole Dept.** Evangelos

Composition and Location of the Parole Board

Suggested by

- **Maine should have a parole system that is separate and autonomous from the Department of Corrections. It should be diverse professionals appointed by the Governor with the advice and consent of the Maine State Senate. They should be focused on patrolling inmates who have demonstrated good behavior, addressed the problems related to their criminal behavior, and earned an opportunity to serve the remainder of their sentence in the community under parole supervision by participating in programs related to their crime.** Jones
- **New Parole Board should be independent of the Dept. of Corrections.** Evangelos
- **The amended bill I submitted, LD-842, contained the structure of the new Parole Board, as follows: The Governor shall appoint as the 7 members of the board persons who: 1. Citizens and residents. Are citizens and residents of the State; and 2. Training or experience. Have special training or experience in law, sociology, psychology or related branches of social science. as follows: A. One member must be a psychiatrist; B. One member must be a psychologist; C. One member must be a representative of a statewide organization of defense attorneys who is an attorney admitted to practice in this State and in good standing; D. One member must be a prosecutor; E. One member must be professionally trained in correctional work or in some closely related general field such as social work; F. One member must be a law enforcement officer; and G. One member must be a representative of a statewide civil liberties organization.** Evangelos

- Per recommendations from Dr. Reamer and others, the parole board should comprise a diverse set of individuals from varying disciplines and with varied experiences and backgrounds. This could include, but is not limited to, individuals working in mental health (psychiatry, psychology) substance use (LADC, etc.), law enforcement, community-based reentry with a focus on restorative practices, and social work, as well as individuals who have been previously incarcerated and who come from different racial, economic, and other backgrounds and experiences.

Parrish

The above would require, based on information gathered, a full-time, independent parole board.

Appointments should happen consistently based on the appointment schedule and professional expertise needed, and seek to accomplish a diverse board, as stated above.

Services for Convicted Persons

Suggested by

- Maine Department of Corrections should be mandated to provide rehabilitation programs for all inmates, such as drug and alcohol treatment, mental health, and sex offender treatment programs. This will increase public safety when offenders are returned to the community.

Jones

Services and Protections for Victims

Suggested by

- Victim services should be under the Attorney General’s Office with a full-time victim advocate in each county to assist victims.

Jones

- Bolstering victim rights in tandem with parole/SCC expansion, including restorative practices.

Irving

- Victims/survivors should continue to be consulted about how their engagement in the process should happen. As we’ve learned, many people who have experienced harm through crime prefer (and demand) a supportive, instead of punitive, approach to addressing crime and actions that can cause serious harm. As we have heard time and again, including from survivor advocacy groups, “hurt people hurt people.” Not all victims/survivors are the same, though we all agree that we want to make sure people stay safe. Reestablishing parole is one way we can help foster intentional safety for all parties.

Parrish

Restorative Justice Processes

Suggested by

- A restorative justice process should be included (and funded!!) as a treatment option within the Department of Corrections and the parole process. This means that both victims and those who have harmed them can have their families and support people with them in the RJ process.

Jones

This is crucial for enhancing support / promoting healing / reducing stigma, etc!

- Incorporation of restorative justice principles into parole/SCC. Use of RJ when victim's and offenders are willing, use of other restorative practices when offender is willing but victim is not.** Irving
- Continue investigating a restorative justice framework that includes voluntary opportunities for victim/survivor involvement, including meeting/conferencing with the person who has caused them harm if wanted. This could be integrated into treatment programming for residents.** Parrish

Funding and Resources

Suggested by

- From discussions from the last Commission meeting one of our speakers had mentioned without the Resources that it would be pointless to start a Parole program. So we need to know what we have in place or our needs of Resources to meet the needs to put Parole in place as well as the cost?** Cyrway
- How many Parole Officers, cars, and added equipment as well as training should be added and the cost?** Cyrway
- The new Parole Board and parole officers can be funded out of savings achieved from Maine's 1/2 Billion dollar corrections budget.** Evangelos

Miscellaneous and Additional Considerations

Suggested by

- The Study Commission should consult the Prison Policy Institute and Rubina Institute reports on existing parole structures for guidelines to consider in crafting Maine parole policy.** Jones
- Cost savings by reinstating parole can be used for treatment which increases public safety.** Jones
- Second chance legislation for those serving greater than 10-15 year sentences for crimes committed before the age of 26.** Irving
- Parole should be designed for equitable access and availability. As stated by presenters and testifiers, a parole policy can provide a mechanism to create a list of expectations (personal transformation, program participation, etc.) for individuals to follow during their time of incarceration. The parole board would retain the ability to delineate in what ways a person has failed to meet expectations set forth and give specific ways an incarcerated person can engage to attain parole. This can also create incentive for the Department of Corrections to continue building robust and transformative programming that prepares individuals for successful reintegration.** Parrish

- **The first issue that needs to be addressed is what is the target audience for parole, should it be re-enacted? Is parole going to be for everyone? How will that intersect with people on probation? Is it targeted to people with very long sentences only? Will it only be available to those who are ineligible for probation, like people convicted of murder?** Stokes

That issue has to be addressed early because how extensive parole availability is will decide how extensive the reworking of the criminal code will need to be. Parole may affect whether probation stays as it is. It may impact good time laws. It may impact how courts decide what sentence to impose in the first place. Is there going to be presumptive parole, meaning everyone will be presumed to be released on parole at their first eligibility date unless the parole board nixes it? Are there any types of cases where parole would not be available at all? And who decides that?

Reestablishing parole is a major policy decision for the Legislature and Governor. It is not a mere tweaking of the criminal code. Depending on how widely available it is proposed to be, it may entail an equally major revamping of the criminal code and its sentencing provisions.

- **Parole was dismantled due to Cost, Resources, and run poorly as well as traumatic to the victims during public hearings. We should compare it to putting it back in place.** Cyrway

- **Seems like we heard about Parole with cost and running the program not being included in our conversations. This was told to us that it will be very expensive. Cutting costs of the Correctional Facility would be according to how successful the parole program would be.** Cyrway

- **Many figures given were designed from different States. For example Crime has risen in Colorado and drug use as well as opioid deaths. No different than Maine. I have not seen the figures that were stated to compare apples to apples** Cyrway