



March 13, 2023

Senator Pinny H. Beebe-Center, Chair
Representative Suzanne Salisbury, Chair
Committee on Criminal Justice & Public Safety
State House, Room 436
Augusta, Maine 04333

Re: LD 178, *An Act to Support Reentry and Reintegration into the Community*

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Committee on Criminal Justice and Public Safety:

My name is Mary Bonauto and I am the Senior Director of Civil Rights at GLBTQ Legal Advocates & Defenders (GLAD), a litigation and policy organization addressing issues affecting the LGBTQ people across communities. Thank you for the opportunity to provide testimony in support of LD 178 on behalf of GLAD, Equality Maine, OUT Maine, and Portland Outright.

LD 178 is a bill resulting from a Resolve in the 2d session of the 130th Legislature creating a study commission on parole. The commission engaged in a wide-ranging, months-long examination of the criminal justice system, particularly with respect to parole before its elimination in 1975, as well as sentencing practices, mechanisms for early release from a defined sentence, the wide range of interests at stake, and the impact on Maine, individuals and our communities from not having a sensible parole system.¹ We thank the Commission for its outstanding examination and collaboration on this long overdue matter.

Our organizations share the Commission's view that people can grow and change, can learn to take accountability for their actions, and can develop ways to repair the harm they have caused. We endorse the recommendation to re-establish parole, along with creating new pathways to early release and updating other ones.

As established in this bill, rather than release individuals only (or primarily) when their sentences are completed, this bill ensures a rehabilitative pathway to community integration for individuals assessed as low-risk, who then have a chance to work, regain their family connections, and support their communities and Maine's overall resiliency. LD 178's premise is sound: for those who have grown and addressed their underlying issues, pursued a path of accountability and rectifying harms, and no longer pose a threat to public safety, there must be an option for review of their incarceration and whether they, their families and our society will be better served if they are completing their sentences in the community.

We also appreciate the Commission's clear-eyed view that there must be "clear criteria for eligibility, process transparency, and increased support for victims." The public, and persons

¹ Resolve 2021, Chapter 126 (creating Commission); OPLA, "Report of the Commission to Examine Reestablishing Parole," December 2022, available at: <https://legislature.maine.gov/doc/9574>.

incarcerated, both deserve that transparency and respect. Those who have been harmed by crimes deserve more support. Likewise, people who are incarcerated need to have hope for a future, both while incarcerated and, should they qualify for parole, while under supervision as they continue serving out their sentences under supervision. Parole can create incentives to do the hard work of personal transformation, maximizing rehabilitation, accountability and repair of harms. This in turn, can reconnect individuals otherwise locked away to families, to our economy and to private and civic institutions.

What we have said here applies broadly to all people incarcerated in Maine. We also believe it was critical that the Commission examined the cold hard facts about length of sentences and populations of prisons and their report of the “staggering” racial disparities of both lengthy sentences and lengthy incarceration for nonwhite people vis-à-vis the general population in Maine. This is a matter of basic justice. We hope a newly constituted expert Parole Board of experts can swiftly prioritize those with life and virtual life sentences, where 12% of those so sentenced are Black while representing only 1% of the general population.

We believe this bill is cross-cutting in its benefits. We also recognize that LGBTQ+ youth are over-represented in the Juvenile Justice system nationally, that lesbian and bisexual women are over-represented in prisons and jails, and that persons who are transgender and also Black are incarcerated at nearly 4x the rate of transgender White people (and significantly more other Indigenous persons and other people of color.)² Recognizing that LGBTQ people’s experiences as “outlaws” for so long, and the above-referenced disparities for Black people, Black transgender people, and LGBTQ people generally, we hope that a new parole system will prioritize at all levels a system which is free from the reflexive discomfort, hostility or assumptions that often contribute to disparate treatment. We urge clear and transparent standards for those individuals on parole, any expert panel, and all parole staff to ensure that bias plays no part in the review in granting parole or while people are serving their sentences in the community.³

Thank you for your consideration of this important bill. We urge the Committee to vote ought to pass on LD 178.

Truly yours,
 Attorney Mary L. Bonauto
 GLBTQ Legal Advocates & Defenders
 Equality Maine
 OUT Maine
 Portland Outright

² Alexi Jones, *Visualizing the unequal treatment of LGBTQ people in the criminal justice system*, Prison Policy Initiative (March 2, 2021), available at: <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/> (charts at pp. 2, 4, 9);

³ A nuanced examination of LGBT people in the criminal justice system is found at Jordan Blair Woods, *LGBT Identity and Crime*, available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Identity-and-Crime.pdf> (originally printed in 105 Cal L. Rev. (2017)).