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Camden
LD 692

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Good morning Senator Beebe-Center, Representative Salisbury, and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety.

My name is Patrisha McLean. I live in Camden and I am a survivor of 29 years of domestic violence. After I escaped from my marriage, I started Finding Our Voices, which is a grassroots nonprofit that is breaking the silence of domestic abuse across Maine, and providing sister support to those still trapped.

Here is how I came up with the idea for the bill, LD 692, that you are considering today.

A local business owner had started telling me about the nightmare she was going through involving her baby granddaughter. She had temporary custody of the baby due to her daughter's substance abuse. But the father of the baby, her daughter's ex-boyfriend, was trying to get custody, and according to DHHS he was on track to do this. This man had beaten up her daughter when her daughter was pregnant with this baby. He was now facing trial for beating up the next girlfriend. This was his fourth domestic violent assault case. He was on probation for the previous one when he committed this one.

His first domestic violence arrest was at 24 and in the four intervening years he had established a pattern of strangling his girlfriends, and also terrorizing them with cars by such stunts as assaulting them while they were driving and causing a crash. The other well-established pattern was plea deals that kept dropping felonies down to misdemeanors, and being sentenced to Batterer's Intervention — which has zero proof of working to deter abuse— instead of jail time.

The grandmother was holding out hope that on these fourth domestic violence charges he would receive a long enough prison sentence to end his custody bid of the baby.

At the court hearing, the young victim stated to the judge "when he put his hands around my neck he had absolutely no remorse" and that "him getting away with this again and again makes me scared."

He was facing a measly five years in prison. He got only half of that, and then all but two months suspended. So for his fourth conviction of violently assaulting and terrorizing a woman, two months in jail.

One week later I received a text from the victim. "Can you find out what is happening, because he is posting on social media." "No," I said, "he can't be doing that, he is in jail." She insisted he was out.

I said I would make some calls, and that is how I learned about an amendment to Maine law that allows a prisoner to petition for early release after serving a third of their sentence. The program is called Community Confinement but it is not confinement because he was allowed to go back and forth on his own to work. Sexual abusers are exempt from this program. Domestic abusers are not exempt, even though these are arguably the most dangerous kind of criminal because they are focused on harming the person who loves them, and even though rape is common in domestic abuse and often the one thing a victim will not report to police.

You are also not eligible for the Community Confinement Monitoring Program if you are on probation while committing the crime for which you are incarcerated.

It is up to the sheriff to make the call on release.

I called the sheriff who made the decision to release this individual.

I asked him how he could approve the release of someone with such a violent history. He said that was above his pay grade: if the person meets the criteria, he agrees to it. I told him that one of the criteria is that the prisoner cannot have been on probation

when he committed the crime. Did the sheriff know, I asked, that this person WAS on probation when he beat up girlfriend number four? The sheriff said no, he hadn't known that. "Well, are you going to call him back to jail now that you do know this?" "No."

The victim was NOT notified of her tormenter's release. When she learned of his activity on instagram, she tried in vain to get information from her victim witness advocate. Now she had to scramble to try to get safe because of course the person who almost killed her knew where she lived and of course he was angrier than ever at her because she cooperated with prosecutors.

This cavalier early release from jail of violent criminals, from a sentence that was way too lenient to begin with and with no notice to the victim; perpetrator rights over victim rights; and the reckless disregard to the safety of women and children, has got to stop. Passing LD 692 is a good step in that direction. Thank you. ^[1]_[SEP]