



**MAINE COMMISSION ON
DOMESTIC AND SEXUAL ABUSE**
Testimony of The Maine Commission on Domestic and Sexual Abuse [AMENDED]

Submitted in OPPOSITION to L.D. 178
Before the Joint Standing Committee on Criminal Justice and Public Safety

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

The Commission is comprised of law enforcement, attorneys, advocates, survivors, a judicial advisory member, and representatives from within state government. The Commission is tasked with advising and assisting the executive, legislative and judicial branches of State Government on issues related to domestic and sexual abuse.

The Maine Commission on Domestic and Sexual Abuse previously submitted testimony neither for nor against LD 178. This testimony was provided without the benefit of the language that was before the Criminal Justice and Public Safety Committee. Having considered the language that was the subject of the hearing on March 13, 2023, the Commission on Domestic and Sexual Abuse amends its testimony to oppose LD 178 for the following reasons:

The proposed bill would make parole available to persons with prison sentences of one year or more. There is no separate consideration of crimes involving domestic violence or sexual assault, except a passing reference. This approach is a disservice to victims and survivors of these crimes. It flies in the face of Maine's longstanding policy of recognizing these crimes as having uniquely traumatizing impact on survivors and the community and warranting unique consideration. The Maine Legislature's embrace of this policy is reflected in statutes addressing criminal conduct against family or household members, firearms prohibitions, sentencing, victims' rights, victim compensation, good time, family leave, tenants' rights, law enforcement training, mandatory law enforcement policies, and protection from abuse orders. This bill breaks that tradition.

The Abuse Commission observes a lack of information regarding infrastructure for the parole board. Will this board be comprised of paid members or volunteers? Will they be Maine citizens? It is of great concern that there is no seat designated as a victim/survivor representative on the parole board. Additionally, there is no requirement that parole board members either come to the board with some minimum level of training or expertise on serving or supporting victims, or that they receive any training on these issues once they are confirmed to the parole board.

Given the broad decision-making power and duties assigned to the parole board, including selecting risk assessment tools and developing and validating risk assessment scales, we urge you to consider ways to incorporate Maine survivors' voices and expertise into your process, including the wide variety of Maine victims' experiences and case specific considerations, as well as ways to make this process as supportive and transparent for survivors of domestic and sexual violence as possible.

Reinstating parole in Maine has been framed as a program supporting supervised community confinement and not a program of early release. The Abuse Commission observes that there is insufficient infrastructure across the state to support successful reentry into the community. Currently, many of the support services necessary for successful community confinement are operating at capacity, with long wait lists and are unable to provide safety planning or support for offenders or survivors. To provide successful reentry support (housing, counseling, substance use treatment) for persons released on parole, community-based support must first be available. The Abuse Commission believes both offenders and survivors would benefit from strengthening supportive services for incarcerated individuals, many of whom may themselves be survivors of trauma. The Abuse Commission believes that these structural and process-based questions are just as important to consider as the philosophical questions when developing the framework for parole in Maine.

The re-establishment of a parole structure in Maine requires both answering broad public policy questions as well as attending sufficiently to highly detailed statutory construction issues. The Commission is deeply concerned that a proposal putting forward such a monumental shift in Maine's criminal justice response was considered by the Criminal Justice and Public Safety Committee with language provided to interested parties less than a week prior to the public hearing and that proposals regarding the re-establishment of parole are being considered across two separate legislative policy committees, requiring those bodies charged with advising the legislature, such as this Commission, to engage on the same issues in two separate forums. The Commission asks you to consider that policymakers owe a duty of transparency to, and would benefit from engaging, victims of crime around policy development. The Commission would be happy to provide more information or support in future work sessions.