

TO: The Judiciary Committee

RE: LD 1516: An Act to Establish Alternative Sentencing for Primary Caregivers

May 1, 2023

Dear Senator Carney, Representative Moonen and members of the Judiciary Committee,

This testimony is being submitted to provide background and a summary of relevant research to the Committee to aid your consideration of this important bill.

Research shows that **parental incarceration is a known adverse childhood experience (ACE)¹ which affects thousands of Maine's children.** A [recent study \(2020\)](#) that we led showed that in Maine, there were a total of 3,403 children with at least one parent incarcerated at a state prison facility from 2015-2020. There were 345 incarcerated or formerly incarcerated mothers during the same period.² This study also showed that **parents who are Black and Native American are disproportionately impacted by parental incarceration in Maine.** Parental incarceration is associated with an increased risk for trauma, as well as mental and behavioral health problems in childhood and throughout adolescence. **Children who have been impacted by parental incarceration are more likely to experience homelessness, economic instability, school drop-out, and future justice system involvement.**³ In addition, our research shows that the negative consequences of parental incarceration are even greater for children with incarcerated mothers. These children are more likely to come from a family environment with histories of extreme poverty, substance use, sexual abuse, domestic violence, and mental illness.⁴

To mitigate the impacts and trauma associated with parental incarceration, **research shows that parenting and family support programs and the maintenance of appropriate and consistent parental involvement in their children's lives is key.** The maternal bond is especially important in the early childhood development years and can have long-term impacts on the child's wellbeing when it is disrupted.⁵ The CDC (2019) recommends the use of family support and parenting skills programs as a key strategy to reduce harm and lessen the impact of ACE's such as parental incarceration.⁶

Furthermore, this bill requires the court to consider the risk a defendant poses to society and their family in order to receive alternate sentencing. While the population of incarcerated women in Maine is small in comparison to men (134 vs. 1446 in February 2022),⁷ research shows that women pose less of a risk to public safety, are more likely to be revoked for technical violations than new crimes, and the financial and social costs

¹ Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Marks, J. S. (1998). Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults, The Adverse Childhood Experiences (ACE) Study. *American Journal of Preventive Medicine*, 14(4), 245-258. Retrieved from <https://www.ajpmonline.org/action/showPdf?pii=S0749-3797%2898%2900017-8>

² Foley, J., King, E., & Benner, C. (2020). *Place Matters: Breaking the Cycle: Interrupting Generational Incarceration in Maine*. Portland, ME: University of Southern Maine. <https://placemattersmaine.org/wp-content/uploads/2021/01/BreakingtheCycle.pdf>

³ The Pew Charitable Trusts. (2010). *Collateral Costs: Incarceration's Effect on Economic Mobility*. Washington, DC: The Pew Charitable Trusts.

Murphey, D., & Cooper, P. M. (2015). *Parents Behind Bars, What Happens to Their Children?* Bethesda: Child Trends, Inc. Retrieved from <https://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>

Wakefield, S., & Wildeman, C. (2018, January). *How Parental Incarceration Harms Children and What to Do About It*. *National Council on Family Relations*, 3(1).

⁴ *Volunteers of America/Wilder Research*. (2010). *Childhood Disrupted: Understanding the Features and Effects of Maternal Incarceration*.

⁵ Foley, J., King, E., & Benner, C. (2020). *Place Matters: Breaking the Cycle: Interrupting Generational Incarceration in Maine*. Portland, ME: University of Southern Maine.

⁶ Centers for Disease Control and Prevention (2019). *Preventing Adverse Childhood Experiences: Leveraging the Best Available Evidence*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁷ According to the most recent MDOC (2022) data report on state facility populations. <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/popreport2-14-22.pdf>

of incarcerating women are extremely high.⁸ Furthermore, women from backgrounds of poverty and BIPOC women are overrepresented and less likely to receive bail or community supervision. The most recent data shows that the majority (72%) of women in Maine who are incarcerated are there for drug or theft charges and an estimated **90% have a history of childhood trauma themselves.**⁹ There is a breadth of research on gender-responsive practices and policies that emphasizes the fact that **women have unique pathways and experiences that lead them to the justice system and thus require gender-specific interventions** to reduce recidivism and improve their long-term wellbeing.

In sum, the relevant research indicates that every effort must be made to keep primary caregivers in the lives of their children to mitigate the negative effects of separation caused by incarceration. Alternatives to incarceration provide pathways for caregivers and their children to remain safely in contact, promoting healing for all.

Sincerely,



Erica King, MSW

Senior Policy Associate, University of Southern Maine, Cutler Institute

Senior Manager, Center for Effective Public Policy



Jillian Foley, MPPM

Policy Associate, University of Southern Maine, Catherine Cutler Institute



Madison Burke

Research Analyst, University of Southern Maine, Catherine Cutler Institute

⁸ National Resource Center on Justice-Involved Women. (2012). Ten Truths that Matter When Working with Justice Involved Women, Executive Summary, U.S. Bureau of Justice Assistance, Washington, D.C. Retrieved from <https://nicic.gov/ten-truths-matter-when-working-justice-involved-women>

⁹ Neumann, D. (2019, July 18). 72% of women in Maine's prisons are there on drug-related charges. Maine Beacon. Retrieved from <https://mainebeacon.com/72-of-women-in-maines-prisons-are-there-on-drug-related-charges/>