

Testimony in support of LD 268
the Committee on Criminal Justice and Public Safety
February 10, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Committee:

My name is Sarah Johnson and I am a resident of Sanford.

I am writing in support of LD 268, An Act to Restore Sentencing Discretion to the Judiciary by Removing Mandatory Minimum Sentences of Incarceration.

The evidence from 35 years of mandatory minimum sentencing shows that long and harsh sentences are not effective for community safety. You can review the Sentencing Project's recently published fact sheet here:

<https://www.sentencingproject.org/fact-sheet/how-mandatory-minimums-perpetuate-mass-incarceration-and-what-to-do-about-it/>

Reports cited document the extreme racial disparity associated with mandatory minimums, an issue we certainly have in Maine.

Mandatory minimums have caused prison overcrowding, resulting in more dangerous environments for incarcerated individuals as well as prison staff.

Matt Matheny, a student at Colby College recently published a sentencing impact paper that can be found here soon: <https://www.freedom-captivity.org/fc-library>.

From Matt's analysis:

“Clearly, long sentences account for a large proportion of Maine's incarcerated male population. Data shows that long sentences do little to ensure public safety, promote rehabilitation, or reduce recidivism. What they do do is raise taxpayer costs, further the traumatic effects of incarceration, keep families and communities apart, and remove workers from Maine's already-dwindling workforce.”

Matt cites a report from the Prison Policy Institute on the costs and consequences of an aging prison population (<https://www.prisonpolicy.org/blog/2023/08/02/aging/>). It describes mandatory minimums as “*a prescription for an increase in older inmates: more prisoners, more prison beds, more lifers, and less parole*”, and describes the high cost on all levels to society of an aging prison population.

A recent report from The Sentencing Project

(<https://www.sentencingproject.org/fact-sheet/how-mandatory-minimums-perpetuate-mass-incarceration-and-what-to-do-about-it/>) describes how mandatory minimum sentencing negatively impacts

everyone in the prison system. *“In addition to their profound racial differences, mandatory minimum sentences have contributed to prison overcrowding, which exacerbates extremely unsanitary and dangerous living conditions. Overcrowded prisons create resource deficits for rehabilitation, mental and behavioral health needs, and education needs. Eliminating mandatory minimums would allow the reallocation of resources that could instead go toward funding these services and programs, which have known community safety benefits.”*

I have worked in an overcrowded and understaffed prison, and my experience is that rehabilitative and educational programming can not be offered consistently or successfully under these stressful conditions. I have not touched upon any of the foundational issues that mandatory minimums remove any sense of justice from our justice system. Again from The Sentencing Project report *“Determined by lawmakers rather than judges, these sentences represent a uniquely American approach to sentencing that has accelerated prison growth. They constrain judicial discretion, deepen racial disparities in the criminal legal system, and cause far-reaching harm to individuals, families, and communities.”*

The Mission of the Maine Department of Corrections is “Making our Communities Safer by Reducing Harm through Supportive Intervention, Empowering Change, and Restoring Lives”. Mandatory minimums are in direct opposition to this mission.

Please support this bill and eliminate mandatory minimum sentencing.

Thank you for your time and consideration.

Sarah Johnson
Sanford, Maine.