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**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence  
Neither for Nor Against to LD 1684: “An Act to Exclude from Eligibility for a Community  
Confinement Monitoring Program a Person Serving a Sentence for Certain Domestic Violence  
Crimes”**

**Before the Joint Standing Committee on Criminal Justice and Public Safety  
Monday, April 28, 2025**

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> to provide some perspective for your consideration on LD 1684.

MCEDV takes no position on the merits of the underlying policy proposal to prohibit domestic violence crimes from eligibility from the community confinement monitoring program operated by the county jails or from the supervised community confinement monitoring program operated by the DOC without exception. However, we would offer a few things for you to consider as you work on this proposal.

Victim perspective and needs are not monolithic. Both perspective and needs exist on a very broad spectrum. While many victims know that incarceration is the only way to keep them safe, not every victim wants the person who has harmed them to be put in jail or prison or even end up with a criminal record. For victims who live at or below the poverty line, particularly those who share children with the person who has been causing harm, and so whose economic stability is often more intertwined with the perpetrator, it is a reality that there are often economic considerations that factor deeply into their analysis of what kind of approach or response from the criminal justice system will best support their overall well-being.

In the 130<sup>th</sup> Legislature, this committee created a mandatory decision-making process for the county jails to use when DV offenders in their custody apply for the community confinement monitoring program that is operated by the county jails. We have not heard of any cases since that

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<sup>1</sup> MCEDV represents a membership of the eight regional domestic violence resource centers across Maine as well as two culturally specific service providers. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

became effective wherein the county jails have released a high risk person into the community utilizing this structure. This would seem to indicate that ensuring a thoughtful process, that ensures good faith attempts to notify victims and consideration of all relevant and probative information, specifically including the perspective of the victim, is a methodology that works to ensure high risk offenders are not released inappropriately into community supervision programs.

As we reflect on the DOC's supervised community confinement monitoring program, MCEDV and our programs do see victim-centered improvements that could be made to that statute and process. One concern that we hear regularly from victims, which applies to supervised community confinement, the community confinement monitoring program, and also general probation cases, is that community supervision is not, in practice, at a level that most people assume it is. Victims also report that it is difficult to get in touch with probation officers when concerns arise or information is needed. Additionally, we have observed that not enough is being done in Maine's correctional facility in terms of re-entry planning and support to help ensure a prohibited person doesn't have access to a firearm upon release from jail and prison.

We note that domestic abuse offenders present to those in community who are not their intimate partner very differently than how they present behind closed doors to their intimate partner. Assessment of these individuals is complicated and difficult. Crime victims in these cases will often have a very informative perspective. However, policy makers have explicitly previously rejected codifying a requirement that the victim's perspective be given particular weight in the determination. In 2021, in codifying a new section around eligibility and process for SCCP, policymakers rejected a provision that would have directed the DOC to consider issues raised in a victim impact statement. We opposed the lack of prioritization of victim perspective in the codification of that section at the time; this committee could take this opportunity to reverse that policy choice.

It is our understanding that there are a number of process improvements that DOC has implemented under their rulemaking and inherent authority to operate the SCCP program in the last several years that we would consider victim-centered and that appropriately provide for victim sentiment to be thoughtfully considered. These agency level practices and processes have been working well and could be considered for codification to ensure they continue from administration to administration.

Some drafting issues we observe with the proposed bill include:

- Evaluate What Crimes are Appropriate to Exclude. LD 1684 would only exclude from eligibility a few specific conviction types. If policymakers want to exclude high-risk domestic violence cases from these programs, these are not necessarily the ones that would pose the highest level of concern for. These crimes do not include the following types of convictions:
  - Those circumstances where the felony conviction is a result of the person's status as a repeat domestic violence offender;
  - Stalking or violation of protection order cases (both of which inherently indicate a problematic pattern of behavior);

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- Domestic violence homicide.
  - Guard Against Incentivizing Problematic Plea Practices. There are two types of aggravated assault crimes that cover the same conduct – regular aggravated assault and then domestic violence aggravated assault, which can be charged if the appropriate relationship between a defendant and victim can be demonstrated. These crimes were specifically set out in our code this way to be able to identify and track those serious assault crimes in our state that represent domestic violence. There is a not insubstantial risk that if just the designated DV aggravated assaults were excluded, it would lead to a practice where defendants will only plead guilty to the aggravated assault crime that is not designated as DV, entirely undermining the ability to track serious domestic violence assaults in our state.

Victim input is important to making good decisions. Best practice criminal justice responses emphasize victim-centered policy and approaches at every stage of the process. Domestic violence cases are often best served by an individualized assessment that takes the individual victim's perspective deeply into account and responds to their needs. That will tend to suggest against an absolute prohibition and in favor of supporting the codification of a more victim-centered process. However, if the Committee decides to move forward with exclusions, we encourage you to consider the issues we've raised and amend the bill accordingly.

Thank you for the opportunity to offer our perspective. We are happy to be a continued resource to the committee as you continue your discussions.

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