

May 7, 2025

Dear Honorable Senator Beebe-Center, Representative Hasenfus, and esteemed Members of the Criminal Justice & Public Safety Committee:

I am writing ahead of the second Work Session on LD648: An Act to Expand the Supervised Community Confinement Program with reservations about the fiscal note referenced by the Maine Department of Corrections and to address key issues raised by committee members in the Public Hearing and first Work Session. Before diving into those issues, I want to state what I believe to be the central question of this bill: do we trust the public safety experts at the DOC or do we not? Do we trust the incredibly high success rate of the Supervised Community Confinement Program (SCCP) or do we not? Should emerging adults be assessed after serving 20 years in prison, or should they continue being an economic burden on the taxpayer for years beyond the point of efficacy?

**All of the victim/survivors who spoke at the Public Hearing spoke in favor of passing LD648.** None spoke against. In addition to the wide support from victim/survivors who spoke, I would also like to call your attention to the absence of opposition from victim serving organizations.

**This bill could save Maine taxpayers over ten million dollars.** Given the approximation of 3 people entering the program, I have a serious concern around the fiscal note estimate of \$1.3 million provided by the Department of Corrections. How would adding 3 people to the caseload of a state-wide network of (significantly more than 3) probation officers amount to an impact of \$1.3 million? Over what amount of time did they base this estimate? In fact, the *savings* that the Maine taxpayer would incur for those 3 people can be estimated to be over \$10.5 million dollars. (This assumes that the average approved SCCP client has 30 years left on their sentence at the annual rate of incarcerating someone in the State of Maine in 2025, which is \$117,000.)

**SCCP clients remain in custody.** It is important to clarify that people on SCCP remain in custody. When a person is transferred to SCCP, they remain in the custody of the Warden of the secure facility that they were released from. If they violate the SCCP conditions in any way that poses a threat to public safety, they don't go to county jail, they go right back to prison. This is different from when folks are out on probation and they violate their probation conditions. When on probation, they go to county jail. With an expansion of SCCP, there would be no issue with overcrowding the jails here.

**The timebar amendment is necessary.** The amendment offered by bill sponsor Representative Milliken is necessary. Currently, in order to be considered "minimum custody" you must have less than 5 years remaining on your sentence. [Policy for 23 - Classification System. Section 4 - Definitions, subsection 4 - Custody Levels](#) notes that "Length of time alone may constitute a reason for classifying a prisoner as close custody" despite that person not having "demonstrated irresponsible behavior by engaging in serious misconduct (e.g., violent or threatening behavior, drug trafficking, etc.); have a history of escape or escape attempt; or may pose an escape risk." The amendment to this bill states that people who are in a higher custody level than minimum custody may be eligible to apply for the SCCP expansion if the only thing

that keeps them from being considered a minimum custody resident is that they have more than five years on their sentence. Without the timebar amendment, this policy would be irrelevant for almost everyone because it would only impact people between the last 30-60 months of their sentence, raising the time to apply for SCCP for those who committed their crime prior to 26 to 60 months instead of the standard 30 (or 24) that is eligible for the entire population.

**We're potentially only talking about 3 people.** This legislation essentially applies to less than a handful of people because only those who were sentenced before 2005 and are still in custody who committed their crime under the age of 26, would be eligible to apply for review for potential of consideration by the DOC. When the Judiciary Committee will be talking about Parole (LD1941), we will be talking about somewhere around 500 people eligible to apply. That is *not* the discussion here today. The estimates from the Department of Corrections are not entirely clear, but today we are talking about somewhere around 40 people who would be eligible to apply for the expanded SCCP. And likely significantly fewer given the strict requirements of the program and the current approval rate of SCCP, which is only around 7%. That equates to 3 people, total.

**The current statute of eligibility at  $\frac{2}{3}$  or  $\frac{1}{2}$  of time-served is moot.** [Point B in the SCCP statute](#) is completely moot, where it suggests that a resident may be eligible for SCCP if they have served  $\frac{2}{3}$  or  $\frac{1}{2}$  of their time because Points C and C-1 override it. Therefore, current SCCP practice is, as C/C-1 statute states, that for everyone in custody, there can be no more than 24 months left on their sentence. However, if the ratio of probationer-to-probation officer is appropriate, and the commissioner allows it, then that number can be pushed up to 30 months.

**“Good time” is effectively irrelevant.** I know that “good time” was brought up during the Public Hearing, so I wanted to outline how “good time” is mostly irrelevant to this conversation. There are 4 good time codes, none of which are relevant to LD 648 if we are talking about a flat sentence-served amount. They only become relevant when we discuss the  $\frac{2}{3}$  option, however, at most using the 7-day average proposed by the Maine Department of Corrections in the Public Hearing, over the course of 20 years, a resident could receive 84 days per year of “good time,” which is 1680 days or 4.6 years of “good time” after serving 20 years. Therefore, we see that this would only be relevant to a sentence that would be 27 years or longer. Please also note that there are carve-outs in the “good time” statutes where the 1995 code (which provides less “good time”) supersedes both updated codes (2004 and 2021) for the most serious of crimes.

**The parole board is not in practice.** While it does exist, it only functions for out of State parolees and those sentenced before 1976; again, not relevant to LD 648.

Thank you for your consideration. I strongly encourage you to vote Ought To Pass as Amended on LD648: An Act to Expand the Supervised Community Confinement Program.

Respectfully submitted,  
Deborah Sachare (Brunswick, ME)