



MCEDV.

The Maine Coalition
to End Domestic Violence

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Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence

In Support of LD 428 and LD 429:

“An Act to Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System” and

“An Act to Reclassify Certain Offenses under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System”

Monday, March 6, 2023

Senator Beebe-Center, Representative Salisbury, 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)¹ in support of both LD 428, “Act to Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System,” as well as LD 429, “An Act to Reclassify Certain Offenses under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System.”

While these bills, taken at face value, have nothing to do with domestic abuse and violence, and MCEDV takes no position on whether they represent the definitive list of Class E crimes that may be more appropriate for treatment as civil violations, MCEDV supports these proposals in concept because the public policy they represent is one that will help move Maine forward towards a more appropriate allocation of our limited criminal legal system resources. Intervention by the criminal legal system is not a path that all survivors of domestic abuse and violence seek. But, for those who do, it should work better. Due almost entirely to resource constraints, our criminal legal system currently struggles to:

- Engage timely and effectively with victims – both in terms of the minimum statutory victim notification requirements and also more broadly ensuring victims’ rights to participate in the process are meaningfully accounted for;²

¹ MCEDV represents a membership of the eight regional domestic violence resource centers across Maine as well as the Immigrant Resource Center of Maine. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

² Compounding this challenge is the fact that victim services generally have historically been underfunded in Maine. There is minimal state general fund investment in either system-based or community-based victim services in relation to the existing infrastructure, and the existing infrastructure is insufficient to address the increasingly complex needs of crime victims.

- Fully embrace evidence-based and victim-informed prosecution in domestic violence cases;
- Understand the importance of (and to prioritize asking for) restitution for victims to compensate for economic losses;
- Implement a wide array of other kinds of best practice approaches to addressing domestic abuse and violence, such as collaboration with civil justice system partners to ensure the full panoply of victim needs are accounted for.

These gaps and challenges create too many instances where survivors of domestic abuse and violence conclude that the criminal legal system was unable to effectively help support their safety and that of their children or, worse, contributed to the harms. From every corner of the state, we have heard for many years that Maine's prosecutors have the highest per prosecutor caseload when compared nationally. Criminal and civil court dockets are backlogged due to judicial resource constraints. These problems were exacerbated by the pandemic for sure, but they're problems that existed prior to March 2020. Turning these 20+ Class E crimes into civil violations is likely only a drop in the bucket of reforms that need to happen to truly right size our criminal legal system response such that it can appropriately focus the needed resources on those crimes, like domestic abuse and violence, that tend to present the greatest public safety concerns. However, it is certainly a good step in the right direction.

Reform of our criminal legal system is both important and nuanced. Making good and right changes, like the ones proposed in this bill, often also require addressing unintended effects, one of which is noted below. Maine legislators should remain cognizant that a notable portion of the **funding for the Victim Compensation Fund (VCF) derives from assessments levied against criminal offenders based on the crime for which they are convicted.**³ Though the limited number of crimes proposed to be converted to civil violations by LD 428 and LD 429 may create a negligible impact on deposits to the VCF in this circumstance, **eventually Maine's leaders must prioritize attending to this problematic funding structure.** Several other states have moved away from a practice of funding the VCF through assessments against criminal offenders, choosing instead to fund this important program through direct state investment of general funds. Maine should similarly explore alternative approaches to funding to remove any hesitancy of crime victims and the services providers that work with them to fully support common sense criminal legal system reforms out of fear that such reforms may lead to the elimination of this important pathway for crime victims to be financially made whole.

Thank you for the opportunity to be heard on these important issues.

³ Pursuant to 5 M.R.S. § 3360-I, the court is required to impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and **\$20 on any person convicted of a Class D or Class E crime.**



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