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Testimony on
L.D. 178, “An Act to Support Reentry and Reintegration into the Community”

Presented by
Representative Scott Wynn Cyrway
District 63

Criminal Justice and Public Safety Committee
Monday, March 13, 2023

Good morning, Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety:

I am State Representative Scott Wynn Cyrway, and I proudly represent District 63, which includes the towns of Albion, Freedom, Unity Township, and a portion of Winslow. It is an honor to appear before you for the purpose of speaking against of L.D. 178, “*An Act to Support Reentry and Reintegration into the Community*,” which seeks to reinstate parole to Maine prison sentences – a bad idea.

Felony criminal sentencing is a complex and very carefully-considered process conducted by a judicial officer. After a criminal conviction, where the defendant either pled guilty to the elements of the crime, was found guilty by a jury in a jury trial (or a judge in the case of a bench trial), a sentencing hearing is scheduled, often months after a guilty plea. In the intervening time and prior to a sentencing hearing, the sentencing judge receives a detailed report of the facts of the crime, any effect on victims, the subject's work history, family history, and criminal history known as a presentence report. At the sentencing hearing, the defendant's counsel, the defendant him or herself, the prosecution, and any victims of the crime has an opportunity to speak. The sentencing judge then provides a sentence that typically involves a set term of incarceration, a fine, and a period of supervised release (probation).

Nonetheless, it is not that simple. Felony sentences are often contain suspended portions, (eg: 72 months, all but three years suspended) in which the defendant would serve 36 months and then have the remaining 44 months out of custody but as a probationary period in which if the defendant re-offends or does not comply within his or her conditions of release, can be returned to prison. On top of that, there is "good time", which is time an inmate in prison spends engaging in work, education, and other programming and demonstrating consistent good behavior, and can be up to a third of the sentence. That "good time" is only counted toward the period of confinement not suspended, so in our example, the defendant would not have to serve 12 months out of the 36 months. Murder, sex offenses, and domestic violence sentences, however, earn "good time" at 5 days a month, or about one-sixth.

On top of “good time”, sentences can further be reduced by the Supervised Community Confinement Program (SCCP). The Maine Department of Corrections (MDOC) SCCP is a community-based program that allows incarcerated adult clients to be transferred from a MDOC correctional institution to an approved residence in the community while finishing their sentence. Defendants eligible for the SCCP must meet sentence length criteria, which includes having a current release date of no more than 30 months after good time is taken into account, and if a resident has five years or less, the individual must have served half of the sentence after good time is taken into account. If the sentence is more than five years, the individual must have served two-thirds of the sentence after “good time” is taken into account. For purposes of our example, with “good time”, our defendant could have served only 12 months on a six-year sentence and be eligible for the SCCP.

All this is considered by the judges during sentencing, and is factored into their sentencing decision. Activation of parole, a system in which an independent parole board makes defendants eligible for even earlier release, independent of the sentencing intent of the judicial sentencing officer, is excessive. It disrespects and reduces the legitimacy of the sentencing judge's work, and the work of all the people involved in helping that judge come to his or her sentencing decision. In our existing system of carefully considered sentences, suspended sentences, probationary periods, good time, and community confinement, parole is completely unnecessary and reliant on the unpredictable whims of a parole board, adding additional unnecessary expense and complication.

Parole in Maine was abolished many years ago, and was supplanted by a much more fair and evenly-managed process. The cost of implementing parole, including parole officers, cars, added equipment, as well as training, could be exorbitant. Furthermore, the reinstatement of parole may impact how courts decide what sentence to impose in the first place. Parole was dismantled due to cost, resources, and it being run poorly, not to mention the trauma it causes to the victims during public hearings.

Thank you for your consideration. I am happy to entertain any questions you may have at this time.