
**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
In Opposition to LD 178:
“An Act to Support Reentry and Reintegration into the Community”
Monday, March 13, 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 opposition to LD 178, “An Act to Support Reentry and Reintegration into the Community.”

The State has a responsibility, in any conversation around criminal justice reform, to ensure that the rights of crime victims are deeply considered, valued, and explicitly enumerated. Any parole process must reflect an understanding of the impact of sentencing decisions on victim wellbeing and make the necessary investments in both process and supports to ensure that it does not cause more debilitating harm than has already been done to them by those who are seeking its benefits. This proposal tends meaningfully to none of that. And the way it was presented, with less than a week between language being released to the public and the public hearing, is inappropriate for something that would have such a substantial impact on crime victims and how our systems are structured and resourced to respond to the harm that was caused.

Among the many deficiencies in LD 178, there is no guarantee that a victim who wants to be heard by the parole board will have the right to do so from a remote location, or any other location that is separate from the facility at which the person who harmed them is incarcerated. Are we going to require crime victims who want to speak to the parole board to do so at the Maine State Prison? The proposal not only gives the parole board the discretion to require a victim to be heard in the presence of the person who has harmed them, it is also entirely silent on the rights of crime victims to have timely and meaningful notification or any information at any stage of this process. Survivors and family members must have adequate time to plan for their safety and prepare for the release of the person who has caused harm, a person who, from their perspective may continue to present a threat to their safety – regardless of what any “evidence-based risk assessment” may indicate to the contrary. There are entire pages in this proposal focused on supports and

¹ MCEDV represents a membership of victim service providers, including the 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.

considerations for those who have committed harm and scant references to the need for support and consideration of their victims. It, in fact, prevents the parole board from issuing any conditions that might be reasonably requested by a crime victim to help them avoid further traumatization unless that condition is specifically determined to be necessary to mitigate the risk of the parolee committing a *new crime*.²

Some proponents of this proposal have suggested that crime victims should ask themselves where forgiveness factors in and why they can't embrace a belief that everyone has the capacity for change. To those questions, we would ask you to consider that advocates throughout Maine are having to spend months and months trying to help crime victims and their children find and obtain basic, timely mental health counseling to help them process and move on from their trauma. Community based substance use recovery support, particularly for parents, is almost non-existent. The Victim Compensation Fund process for reimbursement takes months, and the fund is so under-resourced it sometimes has to put a pause on paying out legitimate compensation claims for costs already incurred by victims, because it needs to wait for more criminal court fee deposits in order to do so. Access to legal representation for crime victims to help navigate complicated court processes is minimal. Both community based and criminal legal system housed victim services in Maine are almost wholly dependent on federal funding streams, are grossly underfunded, and the complex needs of victims often exceed capacity to meet them. The State has failed to prioritize investment in supports and services for crime victims.

Effective criminal justice reform costs more before it costs less, and LD 178 does not address the need for state investment in critical infrastructure.³ Beyond the crisis around lack of accessible mental health and substance use resources in our communities, particularly in rural Maine, this proposal does not at all account for the human resources cost it would take to appropriately provide supportive services for hundreds of crime victims each year before, during and after the process, for both system-based and community-based victim services. Additionally, we would anticipate a much higher burden on the Victim Compensation Fund to support victim requests to resume counseling upon notice of an application for parole, as well as increased requests to support costs for victim relocation, to name just two.

² Proposed Section 5823(4), not only doesn't allow the parole board to consider reasonable requests from crime victims as to the conditions of parole, in specifically limiting conditions to those that would prevent the commission of a *new crime*, it also doesn't permit conditions that would mitigate risk of *violation of a condition of parole*. Contact with a victim would not, in and of itself, be a new crime, but imposed as a *condition of parole*.

³ The recent report from the Commission to Examine Re-Establishing Parole notes: "The success of any program established to address disparities in the criminal justice system will depend on ensuring adequate resources are available for offenders, victims, and communities to support people in rehabilitation, restorative justice, and to avoid interactions with the criminal justice system in the first place," and further instructs policymakers to, "Ensure that any proposal to reestablish parole in Maine includes clear criteria for eligibility, process transparency, and increased support for victims." LD 178 fails to meaningfully address either of these important recommendations.



MCEDV.

The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

This Committee will hear support for this proposal from a person who stabbed their partner, 8 months pregnant at the time, nearly 50 times and then went to a hotel and ordered champagne; from someone who shot their partner in the head to prevent them from relocating back to their parents for support with their infant child, a child who was then raised by those grandparents; from a person who shot their partner twice and left them on the side of the road to die; from at least two people who raped children under the age of 12 over a period of years; from a person who killed their partner in front of their 7 year old son, who was the eldest of four children. You will hear from a person who tried to hire out the murder of their partner, served their sentence, and is now back in custody after having made new threats to kill while on probation. You will likely not hear from many, if any, of their victims – from the children who are being raised by grandparents because one of their parents murdered the other, from the grandparents who are raising these children while still recovering from losing their own children. **There should be no expectation that crime victims and their families appear at the Legislature or submit lengthy testimony that would require them to rip open wounds they are trying to heal, in order to have policymakers consider them, their pain and trauma, and their need to have peace to rebuild their lives.**

In 2018, only five years ago, in response to a brutal domestic violence slaying, Maine law was changed to provide that domestic violence is an aggravating sentencing factor in homicide cases. This allows for judges to give special weight to murders that result from domestic violence, resulting in longer sentences. The victim was stabbed 11 times and then shot at point blank range. She left behind two children, ages 7 and 12. At what age do we think they should have to decide whether to show up to the Maine State Prison to object to the release of their mother's murderer? To talk to a parole board about the impact of growing up without their mother? LD 178 says, even if they choose to do so, their pain and suffering is not worthy of being prioritized in the decision making. A retrospective process that includes consideration of those who have committed violent crime eviscerates the peace of mind of their victims, who often waited years for the sentencing process and appellate review to conclude, and for the closure that it would bring.

While it is appropriate and important that we seek ways to mitigate the impact of over-incarceration, it is harmful to underappreciate the egregious nature of some of the crime committed by those in MDOC custody. MCEDV will stand in opposition to legislation to re-establish parole until we can be confident that the state is willing and intends to invest in what it will take to ensure a process that respects and supports crime victim wellbeing. We

urge you to vote ought not to pass on LD 178. Thank you for the opportunity to be heard on these important issues.

Contact Information:

Andrea Mancuso, Esq.

Public Policy Director

Maine Coalition to End Domestic Violence (MCEDV)

Ph: (207) 650-4356

Email: andrea@mcedv.org