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RACHEL TALBOT ROSS
SPEAKER OF THE HOUSE

Good afternoon Senator Beebe-Center, Representative Salisbury, and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Rachel Talbot Ross. I represent House District 118 in Portland, and I serve as Speaker of the House. Thank you for the opportunity to present **LD 1978, An Act to Enact the Reentry Success and Earned Time Act.**

My original intent in presenting LD 1978 was to continue the work of thoughtful and transformative criminal justice reform, a project to which I have been committed since I started my legislative career. This effort has been collaborative: I am grateful for the collaboration from the Department of Corrections, the Attorney General's office, the NAACP branch in the Maine State Prison, advocates for preventing domestic violence and advocates for preventing sexual assault, and others. Together, these partners worked tirelessly alongside us with the goal of designing an earned time credit that would develop a real pipeline to reformation and successful community reentry that would start on day one for residents in the custody of the Maine Department of Corrections.

As this committee knows, Maine has a good time policy which can be credited toward time served. This policy is available to all residents of corrections facilities when they begin their sentence, but it can be taken away depending on a host of reasons that some feel is at the discretion of anyone in the DOC. In the course of discussions regarding this bill, I have proposed an earned time credit that residents can build up beginning on day one of their sentence through participation in and completion of rehabilitative programming to help better prepare them to reenter their communities, find work, and avoid recidivism.

The important distinction, which sets apart earned time from the existing good time policy, is that earned time cannot be taken away and it is based on completion of DOC programming and educational, credentialing, and licensing achievements. Thus, the existence of the program creates an incentive to pursue rehabilitative programming where there is none currently, particularly for those serving long sentences. The skills and knowledge gained through DOC programming cannot be taken away; this policy would reflect that investment of time and effort and set residents up for future success

I am sorry to say that this is not the bill I will be presenting today, but it is for good reason. It has become clear that we need to conduct a transparent analysis of the current state of affairs as it relates to reentry programming through the DOC. There are numerous issues which I see as crucial to address in the existing system, which I hoped to address in my initial bill, and which merit the comprehensive assessment that I am proposing to you today.

1. Good time is automatic

First, good time is a complicated policy dictated by three codes from 1983 (17-A MRSA § 2310), 1995 (17-A MRSA § 2309), and 2004 (17-A MRSA § 2308), and is automatically applied to all residents serving sentences. The good time that each person starts their sentence with can then be taken away and then re-granted for any number of reasons and has shown evidence of bias depending on facility, pod, officer, or other factors that create inconsistencies in sentences served. We are due for a review of this program to better understand how it is being applied.

2. Long timers lack incentives

I believe deeply that rehabilitation and reentry programming should start on day one, but the current structure serves to incentivize residents to participate in programming once they are nearing the end of their sentence. For a 28-year-old starting a 30 year sentence, the prospect of participating in the Supervised Community Confinement Program – a program that does not become relevant until the end of their sentence. We need to better understand how our existing programs are serving longtime residents, those who are least likely to retain their community ties and who may have the most to gain from reentry programming.

3. Resource limitations are barriers to accessing programming

We know that programming works, but it cannot work if resource constraints present barriers to access. While there are many examples to illustrate this point, I will lift up the resource constraint residents are facing in securing housing so that they can participate in SCCP. The strength and success of the SCCP program, which we know works and has helped to reduce recidivism, is being held back because residents are not able to qualify because they do not have a place to live while they participate in the program.

These are the issues I had hoped to address with this legislation. While I believe that earned time is needed and well-considered policy, I acknowledge we need to understand all the pathways to reintegration prior to establishing a new one. Instead of moving policy forward this year, it feels like the best way to take a step forward together is to conduct a transparent assessment of existing rehabilitation and reentry programming through a working group so that the data and findings of this group may guide us toward better policy in future legislatures. This comprehensive look at what is currently available, where there are constraints, and what just is not working and for whom will help this committee, future legislatures, stakeholders, and the department come forward with better informed understanding of the existing pathways for reentry and rehabilitation. With that thoughtful work underway, we can look more comprehensively at how the existing system should shift as we move into the future.

While discussions continue with the department on this proposal, at a minimum, this assessment would be co-chaired by the commissioner of the DOC and a person with lived experience, would have legislatively appointed membership, would engage the University of Maine Cutler Institute to conduct human subject research in order to capture qualitative data to complement the quantitative data available from DOC, and would report back to this committee.

I thank you for your time and will happily take any questions.