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TESTIMONY OF ALICIA REA

LD 16 – Ought Not To Pass

An Act to Establish Separate Prosecutorial Districts in Downeast Maine

JOINT STANDING COMMITTEE ON JUDICIARY

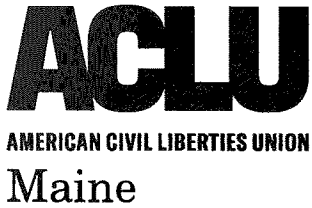
January 22, 2025

Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea, and I am a policy fellow at the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I respectfully urge you to oppose this bill.

A culture of punishment, combined with race- and class-based discrimination, has led the United States to rely on incarceration more heavily than any other country in the world – and our society is no safer for it. The politicization of criminal legal policy and a lack of evidence-based assessment result in a one-way street in which law and policy grow ever more punitive. The human and financial costs of mass incarceration are staggering, and the burden falls disproportionately on the poor and people of color.

Prosecutors remain the most influential actors in the criminal legal system. The discretion to make charging decisions and plea offers continues to influence incarceration rates, implicating racially disparate impacts on detention and incarceration. Prosecutorial discretion with little judicial oversight has led to an inequitable system that continues to pour resources into incarcerating Mainers.

The ACLU of Maine understands that having a separate elected district attorney in Washington County could potentially lead to better, more individualized decisions concerning the criminal legal system. Because this district attorney would be selected by Washington County voters, they might be more aware of the devastating effects that the criminalization of poverty and health conditions like substance use disorder have had on the



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people of Washington County, and they could be a powerful voice for ending those practices. However, establishing a new prosecutorial district expands the criminal legal system. It would instead be best to examine how we can shrink the criminal legal system, reduce mass incarceration, and pursue proven solutions that improve public safety. Evidence-based solutions address the root causes of social issues like homelessness and substance use by meeting people's basic needs of affordable housing, health care, education, and job training.

In addition, we would note that Maine already has eight district attorney offices and an Attorney General's office, yet the state has only four public defender offices. For example, Prosecutorial District 3 covers Androscoggin, Franklin, and Oxford counties. Each of these counties has different needs of their prosecutors for covering the settings – from the more populous city of Lewiston to the rural town of Kingfield. While addressing an imbalance in current prosecutorial resources is beyond the scope of this legislation, we felt compelled to remind the committee of it in connection with its deliberation.

Thank you for your time and attention.