

# Maine PRISONER ADVOCACY Coalition



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## **Testimony in support of LD 268 to the Committee on Criminal Justice and Public Safety**

February 10, 2025

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.\* I am testifying in support of LD 268 on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community.

Widespread evidence shows that mandatory minimum sentences produce substantial harm with no overall benefit to crime control. They constrain judicial discretion, deepen racial disparities in the criminal legal system, and cause far-reaching harm to individuals, families, and communities.<sup>1</sup>

The American Legislative Exchange Council, ALEC, cites the Heritage Foundation in pointing out that evidence shows many young men and women from broken families have a weaker sense of connection with their neighborhood and are therefore prone to exploit its members to satisfy their unmet needs or desires. This contributes to a loss of a sense of community and to the disintegration of neighborhoods. They say that it is time to restore the ability for judges to account for all the factors when they are sentencing certain non-violent offenders and to leave long prison sentences to those who pose a danger to society.<sup>2</sup>

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<sup>1</sup> <https://www.sentencingproject.org/fact-sheet/how-mandatory-minimums-perpetuate-mass-incarceration-and-what-to-do-about-it>. See also, *The Case Against Mandatory Minimums*: <https://famm.org/wp-content/uploads/2021/04/The-Case-against-Mandatory-Minimum-Sentences.pdf>

<sup>2</sup> ALEC, <https://alec.org/article/the-importance-of-a-narrowly-tailored-safety-valve/>

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\* In the interest of honesty and disclosure, a personal background statement is available on request.

Mandatory minimums do not reduce crime or increase public safety. Deterrence assumes that crime behavior is instrumental while most criminal behavior is expressive or emotional. Further, deterrence assumes that people know the penalties. In reality, people are generally not aware of mandatory penalties when they commit a crime. Therefore, increasing the penalty or severity of a punishment is ineffective at deterring people from engaging in criminal activity.<sup>3</sup>

The use of mandatory minimums effectively vests prosecutors with powerful sentencing discretion. The prosecutor controls the decision to charge a person with a mandatory-eligible crime. Rather than eliminate discretion in sentencing, mandatory minimums therefore moves this power from judges to prosecutors. This also has been shown to increase racial and ethnic disparities.

Finally, the threat of mandatory minimums encourages defendants to plead to a different crime to avoid a stiff, mandatory sentence, thus further defeating the purpose of the mandatory minimums.

We urge you to unanimously vote Ought to Pass.

Thank you for your attention and I will be glad to try to answer your questions.

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<sup>3</sup> The National Institute of Justice has made clear that it is the certainty of being caught, not the severity of the punishment, that deters crime.  
<https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>