



HOUSE OF REPRESENTATIVES

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Senator Carney, Representative Kuhn and Esteemed Members of the Joint Standing Committee on Judiciary, I am Mathew McIntyre and I humbly serve as the Representative for Maine's House District 18 comprising 16 towns and four Unorganized Territories spanning portions of Penobscot, Hancock and Washington counties. I offer to you my testimony as the sponsor of **LD418**, "An Act to Remand Individuals with Pending State Probation Violations to the Department of Corrections Following Initial Proceedings".

As I begin, I attest my presentation is a direct result of engaging with municipal officials and law enforcement leaders across District 18, and I serve proudly to carry their voices here today for your respectful consideration.

While I initially sponsored this proposal because of a compelling argument provided to me by Penobscot County Sheriff Morton, my support has since grown even stronger as based upon the very informative and enlightening briefings I have received in recent weeks as a new member of the Criminal Justice and Public Safety (CJPS) committee. Furthermore, perhaps the most impactful event which has shaped my current views on this topic was an eye-opening in-person tour of the Penobscot County Jail in Bangor, just a few months ago.

We as legislators are charged to dispassionately render our decisions based on what we believe is in the best interest of the larger constituent base, and as we are also human beings with families, occasionally the Bills we review and vote on do hit close to home. This for me is one of those instances, and if this Committee will allow me a little grace, I will do my best to keep my emotions contained.

While the proposed language addition to MRSA 17-A sub 1811-5 may seem minor in nature, I pose there are potential 2nd-order effects which will be far more impactful than many may initially realize.

The larger problem I am attempting to help correct is that due to multiple contributing factors, many of our county jails are facing very present and growing overcrowding issues; this is what I am focused on.

There are clearly many negative impacts associated with overcrowding, and each of us will evaluate and weigh those impacts differently. Some will focus and prioritize on the humanitarian aspects, others on the safety, and still others on the financial. I believe we all acknowledge there are needed process improvements in our judicial system efficiencies which in part contribute to the dilemma. There is little doubt we also need to pursue major reforms regarding our State's failing mental health resources. I suspect as a

team we all understand we must at least remain aware of publicly noted "*friction points*" between the County Jail system and the State's Department of Corrections regarding currently tiered authorities, though I do not believe that piece requires immediate or direct legislative action. I am certain that as we continue discussions on these important issues, we will have spirited debate. For the record, yes, I believe that if a crime is committed then justice warrants appropriate punishment, including incarceration as one form. I also believe it is not simply a requirement, but in fact a duty for us as a society to constantly review our statutes and our processes of justice to ensure they align with the morals and ethos of the civilized State and Nation we strive to preserve.

Today I would ask that we consider agreeing, at least initially and in principle, that overcrowding of our County Jails is also depriving individuals from vital rehabilitative resources offered by the State Department of Corrections. As alluded to above, I was listening carefully to the presentations given to CJPS, and by my recollection we were informed of several points, including but not limited to; (1) the Department of Corrections is rightfully proud of the good work they do in providing mental health resources to their residents, via multiple existing in-house programs they have either recently developed or have spent many years honing and improving, (2) the County Jails are neither designed nor intended to provide mental health resources to their residents, nor are they appropriated the necessary funding, staffing or in-house subject matter expertise, and (3) the Department of Corrections has an abundance of open and available resident berthing spaces which the Jails clearly do not. It is absolutely not my intention to lay blame at the feet of any one party involved in this process. My most earnest objective today is to help eliminate barriers to successful rehabilitation of those truly in need, such that we adhere to one of the key goals of our justice system; to safely and compassionately reintroduce those that have been rehabilitated into our society.

In March of 2023, I answered the late-night phone call that no one ever wants to receive. My older sister Suzanne had committed suicide. For many years preceding, me and my family had done all within our ability to try to get her the help she so desperately needed. There were certainly contributing factors of prescription drug abuse and alcohol addiction, however the underlying issue was with her mental health and this is what ultimately led to the heartbreaking outcome. In the latter phases of Suzanne's struggles, shortly before she took her own life, she was in and out of the California jail system many times, and I cannot imagine how horribly terrifying that must have been for her. I do know however, and in fact, the jails she resided at faced exactly the same overcrowding situation that ours here in Maine do. She became a number and was shuffled from jail to jail. Suzanne ultimately became a statistic; this is indeed very hard for me to even utter aloud. Can I stand here today and say definitively that Suzanne could have been saved, and that she could still be here? No, I cannot. I do believe however, that had she gotten access to the right subject matter expertise, available outside of the jail environment, then perhaps there would be a better chance I would not have received that phone call.

The broad topic of incarceration is indeed a visceral one. It evokes strong positions and passionate debate, and will continue to do so. Our discussion today is intended to begin to address just a single challenge in our field of view, and one that I believe we, together, have the ability to correct. I ask that you evaluate this proposal from every possible perspective, and that you will consider offering your support.

I thank you for your time today.