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TESTIMONY OF

**ANTHONY CANTILLO, DEPUTY COMMISSIONER
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January 8, 2025

In Opposition to:

LD 1941, An Act to Implement Recommendations of the Commission to Examine Reestablishing Parole

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, I am Anthony Cantillo, Deputy Commissioner of the Maine Department of Corrections, and I am providing testimony today in opposition to LD 1941, an Act to Implement Recommendations of the Commission to Examine Reestablishing Parole.

Governor Mills and our Department have consistently expressed the opinion that reinstating parole is unnecessary, given good time credits and Supervised Community Confinement. The parole program contemplated by this bill would be complicated and expensive. The bill would require a new 7-member board to hold hearings within 60 days of all parole applications and would require the Department to provide full records on the applicants within 30 days, leaving little time to redact victim information, and giving the Board just 30 days to review this record, no matter how large it might be. Some unstated entity must also administer an “actuarial evidence-based risk assessment” for every parole applicant and every time someone is accused of violating parole. The Board would have to make a decision on parole within 2 weeks of the hearing, and an applicant can turn to the court if dissatisfied with records received from the Department, requiring the Court’s resources and attorneys to defend the Department’s process. Not to mention that applicants granted parole would have to be supervised by Department employees in the community, and the amended version of the bill would require a court, instead of probation, to address technical violations of parole.

The process anticipated by the bill would require massive changes and resources for the Department, particularly Adult Community Corrections, who would be tasked with supervising parolees and summoning them for violations, and obtaining warrants for their arrest. The bill would require large-scale changes in criminal court processes, Attorney General resources to defend the Department and the Board, and potentially appointed counsel for the parole applicants (though the bill is unclear).

Unlike parole, the Supervised Community Confinement Program, already set out in statute, permits prison residents to spend the last 30 months of their sentence in the community, supervised by the Department through probation. The program is managed by existing staff within the Department and allows individuals to live at home, or in residential settings, go to school, work, be with family, travel, and generally live like anyone else in the community, for the last 30 months of their sentence.

In 2025, the Department released 107 residents to the community under SCCP (32 women and 75 men). The program has a high success rate. The women’s successful completion rate for SCCP in 2025 was 91%, and for men the success rate was 82%. These high success rates reflect the strength of the plans these residents created and the effective incentives that the SCCP statute creates for these residents who want to remain in the community.

The Department would like to expand SCCP, but many prison residents who are eligible are not applying, and a major barrier is suitable, affordable housing. That need would still exist for people granted parole.

Unlike SCCP, parole would require many additional full-time employees on the State's rolls, including probation staff to supervise parolees, and would necessitate the involvement of the courts and the Office of the Attorney General to participate in the "discovery" process laid out in the bill. LD 1941 proposes that the Department provide discovery (copious records about the applicant) to the applicant and his attorney, and provides very tight timelines, despite the fact that these records would have to be reviewed to remove victim information and information about ongoing criminal investigations before being provided. A parole applicant dissatisfied with the discovery could challenge the documents in the criminal court that sentenced him, even if the case has been closed for years.

Parole would also negatively impact victims and their families, requiring them to relive their experience through continued participation in parole hearings, which this bill envisions occurring as often as every year.

Supervised Community Confinement, on the other hand, has established processes and policies. There are roughly 2,060 adults in Maine's prisons, and they are aware of and understand the process, they know when and how to qualify; when and how to apply; and when and how the applications are reviewed. SCCP does not come at an extra cost to taxpayers, as it's part of the daily operations of the Department, unlike parole.

The application system for Supervised Community Confinement is simple and done in conjunction with the residents' case manager, asking the resident to identify and discuss the type of living situation they plan to have and what type of employment or support services they are planning on. The application allows the resident space to write about the various programs they've completed while incarcerated, to describe how these programs and services have helped them rehabilitate, and how these programs will help them be successful in the community.

As a first step in reviewing the application, facility unit teams gather to discuss the resident's plan, and to discuss the efforts and success the resident has had with rehabilitative programming. These unit teams consist of a group of staff who in many cases have spent years working with the individual, who have the most knowledge of their rehabilitation and behavior, and who typically run many of the programs the residents engage with. This group consists of social workers, clinicians, teachers, program staff, and security staff.

Under SCCP, if the unit team believes that the resident has a solid plan and is likely to be successful, considering risk to victims and the public, the team moves the application forward to the warden, probation staff, the Classification Department, and Victim Services. This review requires MDOC staff to go into the community, visit the neighborhood the individual is planning to live in, visit the residence, talk with the family, ensure that it is in fact a healthy environment, and that living there doesn't put the public, or victims, or the individual in jeopardy or out of compliance with conditions of the program.

Department staff visits the places and people listed on the application, they verify the details in the plan and make sure that the practical application of the plan will work. They consult the District Attorney's office, victims, and other relevant individuals potentially affected by the release.

These reviews are different from what's proposed in LD 1941, which relies on a parole board that has paper records but no firsthand knowledge of the individual's rehabilitation, behavior, or safety risk, and yet is deciding whether to release them.

Under the current SCCP program, once the facility and community review processes are completed, the resident is notified of the final SCCP decision. If the application is approved, the individual and case managers solidify all plans,

including things like securing a lease, finalizing employment, transferring academic or vocational credits, setting up behavioral health appointments, and working with DHHS on family reunification.

If the application is not approved, the Department sends the resident a letter explaining the reasoning, and offering suggested changes to the plan for resubmission, as applicable. The Resident can appeal the decision to the Deputy Commissioner.

The review processes the MDOC has in place for SCCP are comprehensive and already working, providing a mechanism for over 600 residents to be released on SCCP in the last five years, without negative impacts on public safety or the community.

I urge this committee to vote ought not to pass on LD 1941. In doing so, you show your support for the existing Supervised Community Confinement Program, which is working to give rehabilitated residents an opportunity to reenter the community prior to their release dates.

This concludes my testimony.

I am happy to answer any questions. Thank you.

Anthony Cantillo
Deputy Commissioner
Maine Department of Corrections