

Testimony of Doug Dunbar from Hermon, Maine
*In Support of LD 1175, An Act To Prohibit Excessive Telephone,
Video and Commissary Charges in Maine Jails and Prisons*

April 14, 2021

Senator Deschambault, Representative Warren and members of the Criminal Justice and Public Safety Committee, my name is Doug Dunbar. During three decades in government, I was fortunate to serve in a number of capacities, working in the Legislature, Governor's Office, Congress, and as Maine's Chief Deputy Secretary of State.

I've also been incarcerated. Suffering from mental illnesses my entire life, but telling no one, I began self-medicating with alcohol while working on Capitol Hill when symptoms of my obsessive compulsive disorder (OCD) and anxiety spiraled out of control following the terrorist attacks of September 11th.

My drinking eventually contributed to terrible decision-making, OUIs and several arrests. Fortunately, I never harmed anyone while driving. Ultimately I served over four months of incarceration beginning in 2017, followed by more than a year in the Penobscot County Adult Drug Treatment Court.

More of my story appears at the bottom of this testimony, if anyone's interested, but **here's what I want you to know about the criminal legal system, including issues raised by LD 1175:**

- **Every legislator should spend two weeks in jail.** I'm entirely serious. Upon release, you'd trip over each other racing to the Revisor's Office to submit urgently-needed reform legislation. Two weeks in jail would change your life forever; opening your eyes to injustices most of you don't fully appreciate. And with all due respect to Senator Deschambault, being an employee of a facility is a far, far cry from living there as a resident.
- **There's no such thing as 'Equal Justice Under Law'.** It's a complete myth. We've all been misled since childhood. For the poor and ill, equal justice under the law is a total fantasy. Innocent until proven guilty? Another myth. The criminal legal system is wildly more punitive to the poor and ill. **And that's before being found guilty of anything.**
- **The vast majority of individuals in our jails have been convicted of nothing.** For many, they're trapped because of poverty—unable to post a modest amount of money for bail. Our jails are filled with the poor and ill. The healthy and wealthy go home to keep their life together and work on a proper defense. We punish poor and sick defendants again and again. **It should sicken us all.**
- **Meet Chad.** One of my first cellmates was a very poor young man suffering from schizophrenia named Chad. Arrested for allegedly shoplifting an energy drink from Shaw's with a value under \$3, he languished for three months because he couldn't come up with less than \$200 for bail. **It's an absolute disgrace, but this is what we've created and perpetuated.**

- **We don't solve problems, we cage people we view as problems.** Please don't be misled. As a state and nation, our primary interest has never been problem-solving. If you don't believe me, please refer back to the first bullet above. If you still have doubts, contact me to discuss (dougdubar@yahoo.com).
- **Can we please stop calling it the Criminal 'Justice' System and refrain from using the word 'Correctional' or 'Corrections'?** There's so little justice in our criminal legal system for many parties, including the victims of crime. If you doubt this general premise, please refer back to all previous bullet points. And let's stop pretending we're 'correcting' much of anything. Have you seen our recidivism rates? Are you familiar with the dramatic success rate of individuals who experience a treatment court, rather than languish in prison? Generally speaking, we're not problem-solving and our jails/prisons aren't correctional facilities.
- **Our system is backward in almost every respect.** From start to finish, our system is breathtakingly flawed and unjust (though a good many people believe it operates entirely as intended). Regarding LD 1175, I shook my head listening to good, well-intentioned people testify against it. Even forward-looking individuals working for decades in our criminal legal system too often reflect this backward or upside-down perspective.

Many of the worthwhile items named by opponents as being funded by significant phone charges and other excessive fees, **should be among our priorities** not underfunded afterthoughts borne by the poor and ill and their tax-paying family members. Why on earth should case workers need the "slush fund" being generated by these charges in order to help prison residents as Senator Deschambault has noted? I'll tell you why, because everything is backward. **Our priorities went completely off the rails decades ago.**

Now three and a half years in recovery, I'm employed at Eastern Maine Development Corporation (EMDC) in Bangor assisting people in recovery and re-entry situation access education, training and employment. It's the most rewarding job of my life and I thank EMDC for not only talking about giving people with challenges in their background an opportunity, but actually doing so.

I'll end by apologizing for being a participant in the governing of a state and country which is a bewilderment in the community of nations for our outrageous rates of incarceration and our immense failure of courage, leadership and imagination to do any better.

We've failed countless individuals and families. We've essentially criminalized illnesses of the brain, confined the sick and people in poverty to jails and prisons, and misdirected vast sums of money to the criminal legal system, rather than properly investing in treatment and other solutions.

So much change is desperately needed. You can begin with LD 1175. Don't let anyone convince you the money taken from poor people in the form of these significant fees is needed to help those same people in other ways. Stop this backward, upside-down thinking. It hasn't worked for decades. It won't work in the future. It must end.

Thanks for your time, public service and consideration of these thoughts. If you disagree with anything I've written, contact me and have a conversation (dougdubar@yahoo.com).

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HERMON

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