

LD 1593 – Amendment – Support Statement

Honorable members of the Committee on Criminal Justice and Public Safety:

With a recent recidivism rate near 70%, it is abundantly clear that the established mechanisms of rehabilitation, reentry and reintegration to society by our incarcerated populations are not working. While it is by no means a panacea for reducing recidivism, and the harm thereby caused in communities, LD 1593 – An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration is one integral step towards this overarching goal.

By establishing specific eligibility criteria, as well as clear and relevant information to incarcerated persons at the beginning of (and throughout) their sentence, this bill provides prisoners clear objectives toward which they can work with relative certainty that they will be afforded a genuine opportunity to participate in the Structured Community Confinement Program (SCCP). With the current vague and highly subjective eligibility process, there is a pronounced lack of certainty that such a genuine opportunity exists for the majority of incarcerated persons. Rather, the general perception is that opportunities depend upon administrative favoritism over individual merit.

Where community sentiment is currently driven by a prisoner's original crime(s), it is vital to provide key stakeholders with relevant up-to-date information that will help them make an informed decision about their willingness to accept a prisoner back into their community under supervision. The requirement that "a comprehensive report of the prisoner's rehabilitative efforts and accomplishments must accompany any forms or attachments sent to community members... [and] law enforcement officials" (Part A, section 1, subsection F, paragraphs 2 & 4) provides this missing piece.

In situations where "community sentiment is so poor that...a positive recommendation cannot be given" (Part A, section 1, subsection H), it is high time that Maine started utilizing restorative justice practices and programs as a means to facilitate community healing and reconciliation. By the time they reach the sentence-time eligibility for SCCP, many of the prisoners who have created a great amount of harm in their communities have become driven to bring healing into those same communities. Implementing restorative justice mechanisms can create such opportunities, which are likely to foster a higher willingness in community members to accept a prisoner back into their midst once they have been able to see and hear the prisoner's story of personal transformation and desire to do right by them—and to engage in meaningful dialogue to voice their concerns and expectations of the prisoner.

The amendment's inclusion of the pre-trial detention credits in all calculations accounts for the wide variability in time spent incarcerated before a prisoner's sentence is rendered. This brings equity to the calculation process that currently does not account for this extant variability.

The requirement for monitoring and data tracking is imperative to the proving of efficacy of the program—a process completed by the diverse review panel.

PART B of the amendment serves to benefit Maine Department of Corrections (MDOC) personnel as much as it benefits the prisoners in their care. By crediting a prisoner's discretionary deductions at the beginning of their sentence, this provides clarity in how much time they are set to serve. Rather than needing to make monthly adjustments, and disseminate quarterly Good-time summary reports, MDOC personnel will only need to make adjustments to deductions when a prisoner's behavior warrants a withdrawal of said deductions. Adopting this up-front calculation process will reduce unnecessary time

currently spent by MDOC personnel making regular adjustments to each prisoner's sentence—and making corrections when those calculations are entered into the system incorrectly.

Finally, the report on discussions called for in PART C creates a necessary forum wherein key stakeholders have opportunity to inform the decision-making processes that directly affect them.

In short, LD 1593 – An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration is a much-needed alteration to a program that is underutilized and currently functions in a manner that perpetually causes harm through its ambiguous eligibility requirements that are perceived to be based upon favoritism rather than evidence-based criteria.

Thank you very much for taking the time to read and consider my statement in support of this bill.

Respectfully submitted,

Leo Hylton

Leo Hylton