



TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
LD 1593 – OUGHT TO PASS
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
May 13, 2021

Senator Deschambault, Representative Warren, and Honorable Members of the Committee on Criminal Justice and Public Safety: Good Morning. My name is Anthony Lombardi, and I am a legal fellow at GLBTQ Legal Advocates & Defenders, New England’s leading legal advocacy organization for the rights of LGBTQ+ people and people living with HIV, and I am a lobbyist associate of Mary Bonauto who lives in Portland. GLAD writes in support of LD 1593 – *An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration*.

GLAD supports investment in meaningful methods to assist individuals with rehabilitation, reentry, and reintegration into society. Maine is able to build something better, more robust and that fosters individual and community success than what currently exists from government agencies. National data analyzing recidivism demonstrates that five in six state prisoners released in 2005 across 30 states “were arrested at least once during the nine years following their release.”¹ Data in Maine is much more promising, though no less sobering: on average, 10.7% of former prisoners returned to a Maine Department of Corrections facility within one-year post release, and 28.1% returned within three years for the timeframes of 2010-19 and 2010-17, respectively.² Various factors—including, as Brookings and the American Enterprise Institute note, lack of institutional support, statutorily imposed legal barriers, and stigma—contribute to this high rate of recidivism.³ As the Maine Department of Corrections notes, “there is no complete and accurate way to confirm which program(s) results in a decrease in return to custody, or if a combination of programs, or a proper correlation between risks, needs and programs are to be given credit.”⁴ Maine should take action to provide additional supports and methods to assist formerly incarcerated individuals in ways that can reduce these recidivism rates even further and allow for thoughtful and genuinely successful transition into society post-incarceration. GLAD provides this testimony to highlight policy recommendations and programs already suggested or underway that this Committee and the Legislature could consider in designing reintegration reform.

¹ Mariel Alper et al., *2018 Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005-2014)*, U.S. DEP’T OF JUST. (May 2018), <https://www.bjs.gov/content/pub/pdf/18supr9yfup0514.pdf>.

² See ME. DEP’T. OF CORRECTIONS., *Return to Custody Report One Year Post Release 2010-2019* at 6 (Apr. 2021), <https://www1.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/Return%20to%20Custody%202010-%202019%20One%20Year%20RCR%20Report.pdf>, ME. DEP’T. OF CORRECTIONS, *Return to Custody Report Three Year Post Release 2010-2017* at 6 (Apr. 2021), <https://www1.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/Return%20to%20Custody%202010-%202017%20Three%20Year%20RCR%20Report.pdf>.

³ Anelies Goger et al., *A better path forward for criminal justice: Prisoner reentry*, BROOKINGS-AEI WORKING GROUP ON CRIM. JUST. REFORM 73 (Apr. 2021), https://www.brookings.edu/wp-content/uploads/2021/04/7_Better-Path-Forward_Ch7_Prisoner-Reentry.pdf.

⁴ See ME. DEP’T. OF CORRECTIONS, *supra* note 2, at 20.



As we discuss in our testimony to this Committee on LD 1478, barriers of reentry can create cycles of recidivism and make reintegration post-incarceration extremely difficult. For example, criminalizing homelessness, when paired with the barriers of reentry after serving time, creates a vicious cycle or “revolving door” of homelessness and incarceration. Research suggests that formerly incarcerated people are almost ten times more likely to be homeless than the general public, and that individuals who have been incarcerated multiple times are twice as likely to be homeless as those who are returning from their first prison term.⁵

LGBTQ+ people are among those with unique needs following re-entry, and we urge this Committee to consider the need for legislation like LD 1593. A 2018 report found that “as a result of higher poverty rates, LGBTQ communities are more likely than the general population to be in need of comprehensive and equal public benefits programs” and have “distinct needs throughout the reentry process, including connection to health care, obtaining accurate identity documents, [and] understanding of state laws (or lack thereof) prohibiting discrimination based on sexual orientation and gender identity.”⁶

There is considerable research about what works with prisoner reentry and innovations that can be made at the local, state, and federal levels to assist with reintegration and reduce recidivism. A joint working group between Brookings and the American Enterprise Institute has outlined a series of short-, medium-, and long-term goals, ranging from the improvement of data sharing and service coordination and the expansion of internet access in correctional facilities to the reorientation of parole toward social and economic reintegration.⁷ Advocates in the medical community have published a set of best practices in the *American Medical Association Journal of Ethics*, including the adoption of curricula to educate health professionals regarding competencies of care for previously incarcerated individuals.⁸ Further, programs around the country are actively connecting formerly incarcerated individuals with tools, such as teaching leadership and innovation skills,⁹ coordinating treatment plans and local housing options,¹⁰ providing residential “self-help” programs,¹¹ assisting with acquiring employment and GEDs,¹² and providing programs

⁵ Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, PRISON POL’Y INITIATIVE (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html>.

⁶ Lourdes Ashley Hunter et al., *Intersecting Injustice: A National Call to Action, Addressing LGBTQ Poverty and Economic Justice for All*, Soc. Just. Sexuality Project 1, 40, 99 (March 2018).

⁷ Anelies Goger et al., *A better path forward for criminal justice: Prisoner reentry*, BROOKINGS-AEI WORKING GROUP ON CRIM. JUST. REFORM 73 (Apr. 2021), https://www.brookings.edu/wp-content/uploads/2021/04/7_Better-Path-Forward_Chp7_Prisoner-Reentry.pdf.

⁸ Lisa Puglisi et al., *What Does Health Justice Look Like for People Returning from Incarceration?*, 19 *AMA J. OF ETHICS* 903 (Sept. 2017), <https://journalofethics.ama-assn.org/sites/journalofethics.ama-assn.org/files/2018-05/ecas4-1709.pdf>.

⁹ See Prison Entrepreneurship Program, *Empowering Innovation* (last accessed May 13, 2021), <https://www.pep.org/empowering-innovation/>.

¹⁰ Community Bridges, Inc., *Forensic Assertive Community Treatment* (last accessed May 13, 2021), <https://communitybridgesaz.org/fact/>.

¹¹ Delancey Street Foundation (last accessed May 13, 2021), <http://www.delanceystreetfoundation.org/>.

¹² Safer Foundation, *PACE INSTITUTE* (last accessed May 13, 2021), <https://saferfoundation.org/how-we-help/education/pace-institute/>.



to teach technology, digital communication and business.¹³ We urge the State to consider any and all opportunities to innovate and provide formerly incarcerated individuals with the best opportunities to safely and fully reintegrate into society.

Thank you for your consideration, and we urge you to unanimously vote that LD 1593 ought to pass.

Sincerely yours,

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¹³ The Last Mile, *Focus Areas* (last accessed May 13, 2021), <https://thelastmile.org/about/>.