

Rep. Rachel Talbot Ross
Co-Chair

Amb. Maulian Dana,
Penobscot Nation
Co-Chair



**Permanent
Commission**
**RACIAL, INDIGENOUS
& TRIBAL POPULATIONS**

**Testimony of the
Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations**

In Support of LD 1552

“An Act Concerning Violations of Conditions of Release under the Maine Bail Code”

Friday, February 18, 2022

Dear Senator Deschambault, Representative Warren, and Honorable Members of the Joint Standing Committee on Criminal Justice and Public Safety:

My name is Whitney A. Parrish, and I am the acting executive director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (“Permanent Commission”). I am writing today in support of the amended version of LD 1552, “An Act Concerning Violations of Conditions of Release under the Maine Bail Code.” We extend deep gratitude to Assistant House Majority Leader Representative Rachel Talbot Ross for introducing this bill.

The Permanent Commission is an independent entity with a mission to work toward ending structural racism so all communities can thrive. To achieve its mission, the Permanent Commission is empowered to advise all three branches of Maine government, develop programming to support impacted communities, construct solutions with these groups and other stakeholders, and introduce legislation. Additionally, the Permanent Commission examines racial disparities as one tool to combat structural racism and improve the quality of life of all Mainers.

Violation of Conditions of Release (VCR) is a Class E crime, or misdemeanor offense, in the State of Maine. Today, these violations constitute a large proportion of all crimes in Maine. In fact, more than 20 percent of all arrests in Maine in 2018 included VCR as a primary or secondary charge.¹ This overreliance on incarceration is counterintuitive to rehabilitation, healing, and hinders the ability for individuals to make positive changes in their lives, especially if a VCR interferes with ongoing substance use, mental health, or other support.

¹ Council of State Governments, Justice Reinvestment in Maine Second Presentation, Retrieved on February 24th, 2022 from: <https://csgjusticecenter.org/wp-content/uploads/2020/10/IR-in-Maine-second-presentation1.pdf>

Studies show, however, that incarceration for technical violations such as VCR do “little to improve public safety especially as a response to noncriminal behavior.”² Instead of improving community safety, these policies prolong people’s separation from their families and jobs, making effective reintegration more challenging while also costing taxpayers significant expense to hold people in correctional settings. It is detrimental to health, obtaining and maintaining housing, and other things critical to reducing recidivism and promoting supportive and effective reentry into the community outside of jail and prison walls.

Maine’s policy for managing VCRs perpetuates racial disparities. The long-studied and documented targeting of individuals from racial, Indigenous, and tribal populations at every step of the justice system is not new, and it is especially harmful when individuals are being cycled in and out of the system with no chance to land on their feet. LD 1552 seeks to address this issue by limiting the ways in which VCR violations might result in a new Class E crime. Examples may include failure to find or seek employment or an educational program; failure to comply with curfew; possession or use of alcohol or drugs; and failure to report to a defense attorney on a regular basis.³ We believe LD 1552 will effectively reduce the number of people—disproportionately people of color—who are unnecessarily incarcerated in our State and open up opportunities to invest in people, not punishment.

We respectfully urge you to support LD 1552. Thank you for your time and consideration of this bill. I am happy to answer any questions or provide additional information if desired; I can be reached at whitney.parrish@maine.gov.

² PEW, Five Evidence Based Policies that Can Improve Community Supervision. Accessed at: <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/01/five-evidence-based-policies-can-improve-community-supervision>

³ “Justice Reinvestment in Maine: Improving Supervision and Data Collection.” The Council of State Governments Justice Center. January 2021. Accessed at: https://csgjusticecenter.org/wp-content/uploads/2021/01/JR-Maine-Policy-Framework_FINAL.pdf