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DEPARTMENT OF CORRECTIONS
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RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF
RANDALL A. LIBERTY, COMMISSIONER
DEPARTMENT OF CORRECTIONS

In Opposition to

LD 178 An Act to Support Reentry and Reintegration into the Community

Before the
Criminal Justice Public Safety Committee
March 13, 2023

Senator Beebe-Center and Representative Salisbury and other distinguished members of the Criminal Justice and Public Safety Committee, I am Randall Liberty, Commissioner of the Maine Department of Corrections providing testimony in opposition to LD 178.

Governor Mills and I have consistently expressed the opinion that reinstating parole is unnecessary as the Department of Corrections already has in place an early release opportunity for individuals who demonstrate rehabilitation and no risk to victims or community.

If the end goal of those supporting this bill is to provide early release for rehabilitated residents, then the bill attempts to solve a problem that already has a solution. A solution that is codified into law and functioning quite well.

The Supervised Community Confinement Program (SCCP) of the Maine Department of Corrections allows incarcerated adult clients to serve a remaining portion of their sentence while residing in the community, rather than an MDOC facility. Individuals in this program are still under the legal custody of the department. This system of early release, which is managed by existing staff within the department and governed by statute, allows individuals to live at home, or in residential settings, take on employment, go to school, be with family, travel, and generally live like anyone else not confined to a prison setting.

Much like parole, Supervised Community Confinement provides rehabilitated residents with a means to successful reentry into the community before they've completed their sentence. Supervised Community Confinement has high levels of successful completion (77% in 2022) and low levels of violations (less than 7%). The model has been proven to work well.

Parole on the other hand will need to be designed, brand new, as this bill attempts to do, requiring additional FTEs on the State's rolls, requiring numerous new laws and changes to existing laws, requiring, potentially a new governmental agency, come as a new expense to taxpayers and negatively impact victims, requiring them to relive their victimization through continued participation in parole hearings.

Supervised Community Confinement on the other hand has established processes and policies. There are roughly 1,650 adults in Maine's prisons, and they already understand the process, they know when and how to qualify;



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when and how to apply; and when and how the applications are reviewed. Furthermore, SCCP does not come at an extra cost to taxpayers, as it's part of the daily operations of the department, nor does it repeatedly subject victims to reoccurring parole hearings.

The application system for Supervised Community Confinement is simple and is 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 will engage. The application allows the resident space to write about the various programming they've completed while incarcerated, to describe how these programs and services have helped them rehabilitate, and how these programs have helped them prepare for success in the community.

As a first step in reviewing the application facility unit teams gather to discuss the plan the resident has brought forth, and to discuss the efforts and success the resident has had with rehabilitative programming. These unit teams consist of a group of staff who spend 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.

In LD 178, a parole board consisting of people who have never met the individual, and have no personal knowledge of their rehabilitation, behavior, or safety risk, would be asked to make the decision on release. If the Legislature wants to ensure the voices of people who see first hand a residents' change and propensity for success, ask the staff who stand alongside them for years, not a parole board.

If the team of MDOC staff believe the resident is rehabilitated in such a way that their plan can be successfully implemented and their risk to victims and the public is low, they move forward the application to another group of staff for another review.

This next group to review the application includes the facility warden, probation staff, and the department's classification and victim services office. Their goal is to review the plan for its practical application.

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 imposed. The MDOC staff visits the places and people listed on the application, they dig into the nuances, they verify the details in the plan and make sure that the practical application of the plan will work. This step of the process is different from what's proposed in LD 178 which again, reverts to a parole board who have no firsthand knowledge of the community the person plans to reside, the family connections, the appropriateness of the neighborhood or employer, or the nuances associated with each individual case.

Once all the reviews are done, typically within 90 days, the resident is notified of the final decision. If the application is approved, the individual and case workers solidify all plans, including things like securing a lease, finalizing employment, transferring academic or vocational credits, setting up behavioral health appointments, working with family reunification or DHHS, among other things. If the application is not approved, the resident receives a letter explaining the reasoning, and offering suggested changes to the plan for resubmission.



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The review processes the MDOC has in place for SCCP is comprehensive and already successfully working, providing a mechanism for nearly 200 residents since 2021 who have shown a level of rehabilitation without negative impact to the victim or public safety.

I urge this committee to vote ONTP and in doing so you show support for the existing Supervised Community Confinement Program that ensure rehabilitated residents have an opportunity to reenter the community prior to release.

This concludes my testimony.

I will answer any questions.

Thank You,

Randall A. Liberty, Commissioner
Maine Department of Corrections