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DEPARTMENT OF ANTHROPOLOGY

March 11, 2023

Testimony in support of LD 178: An Act to Support Reentry and Reintegration into the Community

Senator Beebe-Center, Representative Salisbury, and members of the Criminal Justice and Public Safety Committee,

My name is Winifred Tate, I am a resident of Waterville, a professor and the director of the Maine Drug Policy Lab at Colby College.

At the Maine Drug Policy Lab at Colby College, we are involved in researching the impact of drug policies in local communities, including extended incarceration as a result of drug felony convictions. Maine has some of the most severe drug laws in the country. Mere possession of 2 grams of heroin can be charged as Class B trafficking, punishable by up to 10 years in prison and a \$10,000, because of what is known as “permissible inference” -- the assumption that anyone with that this small amount must be selling, not just using. Any prior convictions converted the charge to a class A felony, up to 30 years in jail and a \$50,000 fine. These felony drug convictions can lead for extended sentences of years for people with substance use disorder. Extended incarceration has negative impacts on both individuals who are incarcerated and the families and communities left behind. Parole is one way to reduce the human and financial cost and the harm caused to communities and families by such extended sentences.

Years of research show that criminal convictions and incarceration in prison create “significant negative effects on employment,”¹ and impedes the economic development of communities. Incarceration of a parent or caregiver can also significantly harm their children. One study showed that the incarceration of a parent or caregiver led to psychological distress and increased substance use among youth.² “A caregiver’s absence from a child’s life can mean loss of income and instrumental support such as transportation or help with homework, and anxiety about the caregiver’s well-being. Caregiver incarceration has documented associations with negative

¹ Affidavit of Steven E. Barkan at ¶7(a), *Gaul v. York Cnty.* (citing Bruce Western, *Homeward: Life in the Year after Prison* (New York: Russell Sage Foundation, 2018); Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (Chicago: University of Chicago Press, 2009).

² Elizabeth I. Johnson et al., “Household Member Arrest and Adolescent Substance Use: The Mediating Roles of Parenting and Youth Psychological Distress,” *Criminal Justice and Behavior* vol. 46(8) (2019), pp. 1088-105.



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outcomes including increased trauma symptoms, physical health problems, antisocial behavior, and youth incarceration.”³

Law enforcement and incarceration do not create true safety, and in fact, create more trauma and harm. The money currently spent on extended incarceration for drug felony crimes is money that could be spent what we all need for safety and for thriving communities: stable housing, accessible mental health treatment and support, and opportunities for sustainable work. We must invest in community programs that address trauma and poverty. Parole is one step toward creating this world.

I urge you to pass LD 178. Thank you for your time.

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Maine Drug Policy Lab at Colby College

The Maine Drug Policy Lab at Colby College brings together policymakers, scholars and students, providing evidence-based analysis for addressing critical drug policy issues in our state and beyond, and conducts research on problematic drug use and access to treatment in Maine.

³ James M. Conway et al., “Impact of Caregiver Arrest on Minor Children: Implications for Use of Family Impact Statements in U.S. Courts,” *Justice Policy Journal* vol. 13(2) (2016), pp. 1-17, p. 2.