



101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

Date: October 7, 2022

To: Commission to Examine Reestablishing Parole
Senator Craig Hickman, Chair
Representative Charlotte Warren, Chair

Senator Hickman, Representative Warren, and distinguished members of the Commission, my name is Francine Garland Stark, and I am the Executive Director of the Maine Coalition to End Domestic Violence (MCEDV). MCEDV represents the eight regional domestic violence resource centers (DVRCs) across Maine. In FY2021, **13,175 people** sought and received assistance from Maine's DVRC's, which provide 24-hour crisis intervention, emergency sheltering, housing assistance, legal advocacy, child protective advocacy, and other practical assistance to help survivors overcome barriers to achieving safety for themselves and their children as well as consultation for those concerned about them. When domestic violence homicides happen, DVRC advocates are available to provide support for the surviving families in coordination with the Victim Witness Advocates in the Office of the Attorney General.

I have worked in the movement to end domestic violence for 37 years, 30 of which I spent responding myself or supervising advocates who were staffing the crisis line, supporting families in shelter, and helping survivors navigate their way to safety through the criminal and civil legal systems as well as public assistance programs and housing services. In addition to the thousands of survivors whose stories I have heard through my professional roles, 3 of my 5 sisters are survivors of domestic violence, as were my grandmothers. Since stepping into my role at the Maine Coalition to End

Domestic Violence, I have had the privilege to serve on the Commission on Domestic and Sexual Abuse, The Domestic Abuse Homicide Review Panel, the Elder Justice Coordinating Partnership, the Justice for Children Task Force, the Maine Criminal Justice Academy Board of Trustees, and the Deadly Force Review Panel. My understanding and analysis of abuse and violence is informed by deep roots in victim experience and services as well as my engagement with the many systems charged with intervening, investigating, prosecuting, and mitigating the impact of abuse and violence.

I. Create Communities Where Transformation is Possible

As we look at the possible impact of re-establishing parole on survivors of domestic abuse and violence, including the surviving families who lost loved ones to domestic violence homicide, we appreciate that, as is true for many other criminal justice reform proposals, there are crime victims in our state who would support a thoughtful system of parole and others who categorically oppose it. There are those who would never seek the intervention of the criminal legal system and others who demand that criminal legal system penalties for domestic violence crimes be swift, certain, and substantial.

We have an obligation to hold the truth and legitimacy of all those perspectives. Despite this broad spectrum of opinion regarding the value and impact of incarceration, there are some things that we know to be universally true: the overwhelming majority of those who commit crimes in Maine each year are people who will, at some point, again live in our communities; and we all need to do better at ensuring there are sufficient community support resources to attend to that reality – throughout our vast rural regions as well as in our population centers. We also know that it is better for our communities if crime is prevented, because the costs of repairing what is broken by trauma are much higher than the costs of raising whole human beings.

An informative [report](#) has just been published by the Alliance for Safety and Justice,¹ bringing a perspective that I suspect will be of help to this

¹ “Crime Survivors Speak 2022: National Survey of Victims’ Views on Safety and Justice,” Alliance for Safety and Justice, available at: <https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>.

Commission. While ideas about the role of the criminal legal system vary, it is clear the majority of crime victims favor a transformative approach to justice. MCEDV supports this approach, articulated by the late South African Archbishop Desmond Tutu, who said that justice requires three things 1) that the truth be told; 2) that to whatever extent possible the harm be repaired; and 3) that the conditions that produced the injustice be changed. We take this approach at both the individual survivor level and in our state level public policy work.

Applied to the question of whether to re-establish a system of parole in Maine, I would apply this thinking in this way:

- 1) The truth needing to be told includes not only the specific crime or crimes that the person has committed but also the context and impact of those crimes on any victims. The truth to be told can and should include both the harm done and any context of harm that may have marked the life of the person who commits a felony level crime resulting in a multi-year prison sentence;
- 2) The harm to be repaired should include not only the harm to the crime victims, but also attention to the ongoing impact of whatever historic or personal harm the person committing the crime experienced;
- 3) The conditions that produced the injustice needing to be changed include both the individual level – specific to any relationship that may exist between the person committing the crime and those they have harmed – and also the community context. Changing the conditions of the community context includes so many questions, a few of which are:

- Do intervention, treatment, and/or support programs exist to address the underlying roots of this person's particular criminal behavior?
- Are there programs to support the victims' healing and long-term safety?
- Who are the people who will help the person released back into community to stay on course in their road to rehabilitation and long-term change?

As this Commission continues its work, MCEDV encourages you to ask and answer the important questions about what types of rehabilitation and recovery support would need to be built or bolstered alongside any re-establishment of parole to ensure that parole is an achievable goal for Maine's incarcerated population – not only to be granted parole, but to successfully be reintegrated into the community without detrimental impact on the safety of their victims. It is important to take into account that there are significant differences between the interventions that address the causes of domestic violence crimes and those that address such challenges as chronic mental health and/or substance use disorders.

We recognize that, particularly for those who are sentenced to a relatively short term of incarceration, keeping that person institutionalized for just a few years longer with other people who have also committed crimes may not necessarily increase community safety long-term. On the other hand, our correctional facilities are not currently structured or funded to be rehabilitative in nature and to fully support capacity for behavior change. Nor are there currently sufficient re-entry services available to support those who might be paroled. There are so many people living in communities across Maine who are desperately seeking recovery and rehabilitation support services, who cannot find them. What if we funded recovery and rehabilitation support services for all who need them now? What impact might that have on reducing crime rates as soon as a year from now?

We also observe there are not sufficient structures in place for post-release community level monitoring and accountability to not place an ongoing burden on crime victims for reporting non-compliance or renewed criminal behavior. These would need to be built with careful intersectional thinking, intention, and planning. At this point, as reflected in the 13th biennial [report](#) of

the Maine Domestic Abuse Homicide Review Panel, we still do not even consistently remove guns from people who should not have them.²

In the context of domestic abuse and violence, already a patterned crime, any resident of a Maine Dept. of Corrections facility is very unlikely to be a “first-time” offender. Parole without an appropriate opportunity for behavior change, a reasonably accurate assessment for whether behavior change has been accomplished, and sufficient support and supervision upon re-entry is thus highly likely to have negative impact on victim safety. Unlike victims of many other crimes, for domestic abuse and violence there is most often more that binds the victim and the offender than just the crime for which the offender was incarcerated, including friends and family in common, children, and financial interests. Particularly for those victims who experienced years of abuse or suffered serious bodily injury, it is common for victims to express that the time the offender was incarcerated was the first time that the victim lived in peace and could focus on positive reconstruction of their lives for any real length of time. Without appropriate attention to supports for behavior change during the period of incarceration, and a reasonably accurate method of confirming behavior change, the prospect of parole would, for these victims, involve a type of constant vigilance and an uncertainty about when that ability to live in mental peace will end. And any system of parole would include periodic parole hearings, causing victims to relive traumatic events and experience the same debilitating uncertainty and strain that they experienced through the initial adjudication process.

A woman once approached me after a workshop I was teaching. She said that she wanted to thank the organization I worked for, Partners for Peace, for

² See “13th Biennial Report of the Maine Domestic Abuse Homicide Review Panel (2021),” at pg 19, available at: <https://www.maine.gov/ag/docs/DAHRP-Report-for-Posting-ACCESSIBLE.pdf>.

saving her life. She said that she and her 5 sons had been in our domestic violence shelter 25 years before... when she escaped her abusive husband. She wanted me to know that her abusive ex-husband had died recently, so they were finally, truly safe. She had never reconciled with her ex... and he continued to stalk and threaten them until he died. To live with that kind of daily vigilance is the common experience of survivors of domestic abuse and violence. And we know now that trauma from abuse impacts not only quality of life for the person harmed but longevity as well, in the form of heart disease, chronic pain, and arthritis later in life.

I have provided support for families through the time elapsing from initial arrest to sentencing. I am thinking about one family in particular whose daughter was the victim of domestic violence homicide. They felt sick every day for nearly two years through the process of continuances, the trial itself, and finally the sentence. Our current system of truth in sentencing provides them with the comfort of knowing that they will not have to continue to bring testimony in order to keep the person who killed their daughter in prison. And to the degree that they can heal, they will be able to do so without the triggering experience of periodic parole hearings.

We believe in the capacity of many of those who have committed crimes, including those who have committed domestic violence crimes, to change, and we share the desire to address the disproportionate impact the criminal legal system has on marginalized communities, specifically including communities of color, people living in poverty in Maine, and those impacted by substance use disorders for whom the criminal legal system has been the default community response. However, particularly for those who have used violence to cause intentional harm, investment in recovery and rehabilitative supports – both within correctional facilities and within communities – must go hand in hand with a process of decarceration in order to properly address the safety of community and of the victims who have been harmed. Mechanisms for appropriate monitoring and accountability upon reintegration into the community must be assured to eliminate the need for a victim to bear an ongoing burden of reporting renewed abusive and criminal behavior.

II. Minimum Attention to Victim-Specific Issues

In addition to creating much needed and accessible recovery, rehabilitative, and monitoring resources in our communities for those who

have committed harm, this Commission should also deeply engage with what structure needs to be in place to ensure that crime victims are supported and able to participate as they determine is appropriate and desired by them in any parole process.

This should, at a minimum, include:

- The rights of a crime victim to be heard in the parole process;
- The process for a victim to be heard, including identification of who is responsible for that notification, and how crime victims will be supported before, during and after the process;
- And the resources necessary to make sure the ability to thoughtfully participate is not an empty promise.

The Commission should ask for and review the policies and processes concerning victim rights in other states that have parole. This should include not only looking at what is contained within any statutes or regulations narrowly related to the parole process, but also the extent to which rights of crime victims are enumerated in a state's statutes or constitutions and the formal processes in place for crime victims to file a complaint and be heard by the state when their rights were violated. MCEDV notes that Resolve Chapter 126 directs the Commission to review Colorado's parole structure and process in particular. Colorado is a state where victim rights are found in the state constitution and further enumerated in lengthy and detailed state statutes. A staffed complaint process exists to review complaints from victims if a state actor failed to uphold their rights, and the state provides full time staff on top of that to support crime victims in the parole process in particular.

III. Summary

This is an important conversation – one that should be informed by an understanding of the current incarcerated population that would become eligible for parole if this were enacted. It should be informed by an understanding of the support systems and resources available before and after parole is granted and whether those can properly attend to the needs of both the person who was paroled, those they have victimized, and their community.

We appreciate the opportunity to be heard today. Where the recommendations that this Commission might make are currently unknown - and the universe of possibilities quite vast - it is impossible to know what additional information and perspective MCEDV could provide to you today that will ultimately be most helpful. MCEDV participates at statewide tables and in legislative spaces to lift the voices of the survivors we work with. One of our primary roles in that regard is to seek the inclusion of victims' voices in all spaces where decisions about them or that impact them are made. **As this Commission solidifies its recommendations, we ask that you again seek the feedback of victims and those advocates who support them before you finalize those recommendations.**

We also note that not all victims of felony level crimes in Maine have experienced domestic abuse and violence or sexual assault. Their voices are no less important. We hope that this Commission will affirmatively reach out to alert other groups that support crime victims, such as the Maine Chapter for Parents of Murdered Children, about the opportunity to be heard by this Commission.

MCEDV remains an interested community partner in the outcome of your work and hopes you will see us as an ongoing partner and resource in your process.

What social and legal framework will keep adults and children safe in communities where the person known to have done them harm is also residing or likely to return to live? How do we assess and mitigate any continued threat they may pose to victims of their crimes and the safety of the community, while attending to the whole person who has committed the crime? – This is a critical question for us all to wrangle with.