

Testimony in Support of LD 1617

Presented by Cushman Anthony

May 12, 2021

Senator Carney, Representative Harnett, and members of the Judiciary Committee: My name is Cushman Anthony, and I live in Yarmouth. I am a retired lawyer and mediator. I was a member of the House of Representatives from 1986 to 1992, and was a member of this committee during the 114th and 115th Legislature.

I was here earlier this year in support of LD 1226, Resolve Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to Examine Restorative Justice. Now I am back to support this LD 1667, which seeks to establish the use of Restorative Justice in the courts. This time I am speaking on behalf of the Maine Council of Churches, the leading organization of Protestant Christian churches in our state representing seven denominations which include 437 churches with a total membership of more than 55,000 members..

I personally have found the Restorative Justice approach extremely effective in dealing with juvenile offenses. I began doing that in 1998. I am aware that the Cumberland County District Attorney has also been using that approach successfully in dealing with a variety of adult crimes, and I applaud that.

Restorative Justice can only be used effectively if the perpetrator has admitted to his or her actions, and the victim voluntarily agrees to participate. The facilitator first briefs all parties as to what will happen in their upcoming face to face meeting. The questions typically follow the same format: Who has been harmed? What did the victim experience? What did the perpetrator experience? What can be done to restore peace and harmony, to make things right? What can the perpetrator do towards that end? What changes need to be made to assure that it will not happen again? What can the community do to help with that?

A plan of action is then developed with the help of the facilitator and with input from all parties that will restore harmonious relationships between the parties and in the community as a whole. That plan typically becomes the sentence imposed by the court. Victims normally find greater satisfaction with this process and its result than with the typical court proceeding. It is simple and effective. It should be widely used.