

MAINE STATE PRISON BRANCH OF THE



N.A.A.C.P.



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Joint Standing Committee on Judiciary
State House Station 2
Augusta, Me 04333

January 7, 2026

Testimony of the Maine State Prison Branch of the NAACP

In Support of LD 1962: An Act to Establish a Correction Ombudsman

Dear Committee Members,

Thank you for your time this afternoon. For any person who is incarcerated, nothing is more essential than the protection of their Civil Rights, Prisoners' Rights and Human Rights. A grievance process that lacks impartiality, thorough investigation, or even basic recognition of those rights is, in practice, meaningless. The issue is simple. Incarcerated individuals retain all rights not expressly or necessarily taken by law. Yet the system designed to protect those rights — the Department of Corrections's internal grievance process — is failing. It is failing the people in custody, it is failing the staff who work in these facilities, and it is failing the taxpayers who ultimately bear the cost of unresolved abuse, medical neglect, and litigation.

LD 1962 is critically important because it establishes safeguards that ensure incarcerated people are treated fairly and lawfully. Far too often, the Department of Corrections' internal grievance process fails the very individuals it is intended to serve. It frequently lacks impartiality, reasonableness, fairness, and proper investigative rigor. Most importantly, it does not consistently uphold or even acknowledge the rights guaranteed to prisoners under Maine law.

An independent Corrections Ombudsman, as proposed in LD 1962, would finally provide incarcerated people with a safe, confidential, and trustworthy avenue to raise concerns and have them taken seriously. It would help ensure that the rights of incarcerated individuals are not merely theoretical, but actively protected and enforced.

A recent example demonstrates why this legislation is urgently needed. The Maine State Prison Branch of the NAACP submitted a formal complaint against the Department of Corrections' Director of Technology for violations of Prisoners' Rights under Maine Statute Chapter 19, as well as violations of several MDOC policies, including Policy 19.2: *Programs and Services* and Policy 3.5: *Code of Conduct*.

Maine Statute Chapter 19 guarantees fair treatment and due process for all incarcerated individuals. MDOC Policy 19.2, Procedure A further affirms that:

- **Prisoners have the right to be treated respectfully, impartially, fairly, and with dignity.**
- **Prisoners have the right to be informed, in writing, of rules, sanctions, policies, and procedures that affect them.**

Despite these clear protections, no one involved in the Department's investigation came to Maine State Prison to interview the residents directly affected. The issue itself was straightforward: the Director of Technology failed to properly inform residents of a change to their Computer Use and Internet Access Agreement. As a result, residents were disciplined and had their computer and laptop privileges suspended for violating a rule they had never been told existed.

The NAACP later received a response from the Director of the Office of Professional Review stating that the Department "may or may not be able to share the results" and citing Title 5 M.R.S.A. § 7070 as the reason no additional information could be released. Had the Department conducted a thorough and impartial investigation, it would have discovered that residents were never notified of the rule changes in the first place.

This is precisely the kind of systemic failure that LD 1962 is designed to prevent. Without independent oversight, incarcerated people have no meaningful protection when internal processes break down.

The experience of the Maine State Prison NAACP is not an isolated incident—it is a symptom of a grievance system that is structurally incapable of holding itself accountable. Under MDOC Policy 29.1, grievances can be dismissed for something as minor as writing outside the designated lines, and such dismissals cannot be appealed, no matter how legitimate or serious the underlying concern may be. When procedural technicalities are used to silence valid complaints, incarcerated people are left without any meaningful avenue for redress. LD 1962 offers a necessary remedy by establishing an independent Corrections Ombudsman who can ensure that grievances are evaluated on their merits, that investigations are conducted thoroughly and impartially, and that the rights of incarcerated people are upheld rather than undermined. This legislation is not only reasonable—it is essential to restoring fairness, transparency, and accountability within Maine's correctional system.

LD 1962 is an important step forward because it creates an independent Corrections Ombudsman — someone outside the Department who can receive complaints confidentially, conduct impartial investigations, and identify systemic issues before they become crises. This is a model that has worked in other states, and it is a model that can work here.

To ensure the Ombudsman is effective, the MSP NAACP respectfully recommends strengthening LD 1962 by including:

- **a fixed term and removal only for cause**, to ensure independence
- **guaranteed access** to facilities, records, and confidential interviews
- **clear anti-retaliation protections** for residents and staff
- **regular public reporting** and required DOC responses
- **independent hiring authority** for the Ombudsman
- **a future pathway to include county jails**, where many Mainers are held pre-trial

These are practical, reasonable measures that strengthen oversight without creating unnecessary cost or bureaucracy. They ensure that the Ombudsman is effective, fair, and accountable — the same standards we expect of every public institution.

For the MSP NAACP, this is not a partisan issue. It is a fairness issue, a public-trust issue, and a good-governance issue. LD 1962, especially with these improvements, offers a balanced, responsible way to ensure that Maine's correctional system reflects the values we all share: dignity, accountability, and justice.

Thank you for your thoughtful consideration.

Respectfully submitted,

The Maine State Prison Branch of the NAACP

Citations

- **Maine Statute Title 34-A, Chapter 19 – Prisoners' Rights**
- **MDOC Policy 19.2: Programs and Services**, Procedure A – Rights to respectful, impartial, and fair treatment; right to written notice of rules and policies
- **MDOC Policy 3.5: Code of Conduct**
- **MDOC Policy 29.1: Prisoner Grievance Process** – Dismissal for writing outside designated lines; dismissals are not appealable
- **Title 5 M.R.S.A. § 7070** – Restrictions on release of investigative records

LD 1962: Why Independent Oversight Is Needed

Handout from the Maine State Prison Branch of the NAACP

Who We Are

The Maine State Prison Branch of the NAACP advocates for the civil and human rights of all people incarcerated in Maine's correctional system. Our position on LD 1962 is grounded in direct experience with the Department of Corrections' grievance process and its systemic failures.

The Problem: Policy 29.1 Is Not Working

1. The grievance process is not independent

DOC investigates its own actions. There is no neutral reviewer and no external appeal.

- lack of independence

2. The process is not accessible

A strict **10-day filing deadline** prevents many residents — especially those in segregation or with disabilities — from filing grievances.

- barriers to filing

3. Investigations lack basic rigor

Policy 29.1 does not require investigators to interview the person harmed. Many grievances are dismissed without any fact-finding.

- missing interviews

4. Arbitrary dismissals block justice

Grievances have been rejected simply because a resident wrote outside the lines on the form. This elevates form over substance and denies access to justice.

- arbitrary dismissals

5. The system disproportionately harms vulnerable groups

People with limited literacy, disabilities, or limited access to writing tools are especially affected.

- disparate impact

6. The result is a systemic pattern, not isolated incidents

When the agency under scrutiny controls the complaint, the investigation, and the outcome, accountability breaks down.

- systemic failure

The Solution: LD 1962 Creates Real Accountability

LD 1962 establishes an **independent Corrections Ombudsman** empowered to:

- Conduct **confidential interviews**
- Review **records and evidence**
- Make **public recommendations**
- Identify **systemic issues** before they escalate
- Provide a **safe, trustworthy avenue** for incarcerated people to report harm
- independent oversight

This model is used successfully in other states and strengthens — not undermines — correctional operations.

Recommendations to Strengthen LD 1962

To ensure the Ombudsman is effective, we recommend:

- **Fixed term and removal only for cause**
- **Guaranteed access** to facilities, records, and confidential interviews
- **Clear anti-retaliation protections**
- **Regular public reporting** and required DOC responses
- **Independent hiring authority**
- **Future expansion to county jails**
- strengthening measures

These are practical, non-partisan improvements that enhance transparency and public trust.

Why This Matters

A grievance system that rejects complaints based on handwriting or closes cases without interviews is not protecting rights — it is avoiding accountability. LD 1962 ensures that the rights of incarcerated people are upheld **in practice, not just on paper**.

“The people in Maine’s prisons may be out of sight, but they are never outside the protection of their rights.”