



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

Testimony Regarding LD 1962 *An Act to Establish the Corrections Ombudsman*

Presented to the Joint Standing Committee on Criminal Justice and Public Safety

January 7, 2026

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Ariel Ricci. I am the Executive Director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. I am here on the Permanent Commission's Policy Committee's behalf to testify neither for nor against LD 1962, "An Act to Establish the Corrections Ombudsman."

It is hard to say what the precise impact of a Corrections Ombudsman would be on Maine's marginalized populations with any specificity because we currently lack the information to know whether or not Mainers of color in the corrections system face higher rates of unsafe conditions or ill treatment. But we do know that Mainers of color are disproportionately incarcerated when compared to white Mainers and that there are gaps in our knowledge about conditions that an impartial third party could help shed more light on.

Maine ranks 44th out of 50 for racial disparity in state prisons, with Black Mainers incarcerated at nine times the rate of white Mainers, and Indigenous people incarcerated at six times that rate.ⁱ Current racial disparities in incarceration rates are connected to individual and systemic biases across areas such as policing, and conviction and sentencing rates. For example, research shows that Black people use illegal drugs at a similar rate to white people, but they are three and a half times more likely nationally to be arrested for drug possession charges.ⁱⁱ

Racial disparities in incarceration are also deeply tied to Maine's housing crisis, which disproportionately impacts people of color. For example, from 2018 to 2020, more than one third of arrests made in the city of Portland were people who were unhoused.ⁱⁱⁱ

Maine experienced a 163% increase in incarceration rates between 1983 and 2015.^{iv} However, we don't currently have transparency on the treatment of incarcerated people. A

Corrections Ombudsman might be helpful in shedding light on conditions that incarcerated people and Corrections employees don't currently have the resources to speak out about without fear of retaliation. For example, Maine State Prison residents went on a hunger strike in March of 2024 to protest solitary confinement-like conditions,^v but the Department of Corrections disputed their claims. This speaks to the need for additional, independent information. According to the National Conference of State Legislatures, at least 19 states currently have a prison oversight body that is independent from the correctional agency they oversee.^{vi}

Additionally, data on health conditions for both residents and staff of Department of Corrections facilities is lacking. UCLA Law collects data from all states on reported deaths and has identified age, sex, and race as missing demographic information in public records when deaths occur in Maine state prisons.^{vii} They also collected COVID-19 case, death, testing, and vaccination data made publicly available for residents and staff and gave Maine an F rating for our lack of reporting of that data.^{viii} This indicates gaps either in our monitoring or our reporting of health and safety conditions for both residents and staff that could improve with the presence of a Corrections Ombudsman.

Thank you for your time and attention. If you would like further information about racial disparities in Maine, our office has a number of reports on our website, including our State of Racial Disparities report. I would be happy to answer any questions.

ⁱ Prison Policy Institute. Maine profile. (n.d.). <https://www.prisonpolicy.org/profiles/ME.html>

ⁱⁱ Shelor, B, et al. (2019). *Justice reinvestment in Maine: Second presentation*. Council of State Governments. <https://csgjusticecenter.org/wp-content/uploads/2020/10/JR-in-Maine-second-presentation1.pdf>; Mendoza, S., Hatch, A.E., & Hansen, H. (2019). Race, stigma, and addiction. In J.D. Avery and J.J. Avery, (Eds.), *The Stigma of Addiction: An Essential Guide* (pp. 131–152). Springer Cham. <https://doi.org/10.1007/978-3-030-02580-9>

ⁱⁱⁱ McDevitt, J., Shaler, G., Goan, S., Abeyta, S., & Cuevas, C. (2022). *Assessing arrest & traffic stop patterns in Portland, ME: An analysis of Portland Police Department data*. University of Southern Maine.

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^{iv} Vera Institute. (2019). Incarceration trends in Maine. <https://rb.gy/ijzgt>

^v Popp, Evan (2024). *Maine State Prison Residents Launch Hunger Strike Over Conditions They Call Solitary Confinement*. <https://mainemorningstar.com/2024/03/29/maine-state-prison-residents-launch-hunger-strike-over-conditions-they-call-solitary-confinement/>

^{vi} National Conference of State Legislatures. (2024). *Legislative Approaches to Prison Oversight*. <https://www.ncsl.org/civil-and-criminal-justice/legislative-approaches-to-prison-oversight>

^{vii} UCLA Law Behind Bars Data Project. Maine. (n.d.). <https://uclaprisondata.org/state/maine>

^{viii} UCLA Law COVID Behind Bars Data Project. Maine (2022). <https://uclacovidbehindbars.org/states/maine/>

Criminal Legal System

Whether we're Black, white, brown, Indigenous or New Mainers, we all want to live in safe, healthy, and flourishing communities. When something happens to threaten that safety, we deserve systems that address the harm and allow our communities to heal and become whole again. Across the US, however, we rely on a punitive system of criminal justice founded on laws, policies, and practices that disproportionately target communities of color, offer little to those who are impacted by crime, and threaten the cohesion of communities and families. Perhaps most importantly, this system simply doesn't work. Today, lack of faith in our criminal legal system has resulted in nearly half of violent crimes in the US¹⁸⁴ and around two-thirds of violent crimes in Maine¹⁸⁵ going unreported for fear of long-term community impacts, retribution, or even violence at the hand of those sworn to protect and serve. Addressing the deep and systemic roots of racism in our criminal legal system will help to rectify past harms and create space for imagining new forms of justice that support rehabilitation, resilience, and community healing over perpetual punishment.

America's Criminal Legal System

Today the US is home to only 4% of the world's population but houses 16% of the world's incarcerated people.¹⁸⁶ Of currently incarcerated people, more than half are Black, Indigenous, or Latino.¹⁸⁷ This is not an accident of history, but instead, the outcome of structural biases within our criminal legal system.

The roots of today's criminal legal system in the US can be traced back to slavery. Some of the first policing forces in America were created to suppress uprisings of enslaved people and to capture and return those who had escaped.¹⁸⁸ Even after slavery was abolished in northern states in 1827, the New York City Kidnapping Club, comprised of judges, lawyers, police officers, and bankers, exploited loopholes in anti-slavery laws to kidnap free Black Americans and sell them into bondage.¹⁸⁹

After the Emancipation Proclamation ended slavery in 1863, Southern states passed laws called "Black Codes." These laws limited the freedom of formerly enslaved people by making it illegal to be homeless or unemployed. These states then set up institutions to support the practice of "convict leasing," which allowed plantations and other corporations that had historically relied on slavery to "lease" those convicted of crimes to provide free labor.

The legal practice of convict leasing was abolished in 1941, but today, incarcerated people continue to provide substantial forms of labor with little compensation

(today averaging between 13 and 52 cents an hour) and few protections against exploitation and abuse.¹⁹⁰ In some cases, these forms of labor also feed concerns around environmental justice, as incarcerated people are increasingly asked to take on high-risk work on the frontlines of the climate crisis, like fighting wildfires and other forms of disaster response¹⁹¹ (see more in [Environmental Justice](#)).

While historic policies driving incarceration were often explicitly racist, today, the factors leading to racial disparities in our criminal legal system are more complex. Zero tolerance policies and increased use of school resource officers in public schools push children — especially children of color — out of schools and into the legal system at a young age, sometimes referred to as the school-to-prison pipeline¹⁹² (see more in [Public Education](#)). National policies like the "War on Drugs" penalized different forms of the same drugs more or less harshly depending on their use, resulting in racial disparities in drug-related arrests and convictions.¹⁹³ Policies like stop and frisk and proactive policing create space for personal and institutional bias to enter into law enforcement, and today, conviction rates for the same crimes result in dramatically different sentencing depending on the defendant's race, class, and ethnicity.¹⁹⁴ And the results of these disparities go beyond disparate rates of incarceration. Police use of force remains among the leading causes of death for men of color between the ages of 20 and 35 years old.¹⁹⁵

Maine Incarceration Rates by Race and Ethnicity

Maine Prison Rates per 100,000 residents (2021)

White	101
Black	929
Indigenous	618

Figure 14. Black Mainers are incarcerated at over nine times the rate of white Mainers. Adapted from the Prison Policy Institute (2023).¹⁹⁶

Incarceration in Maine: Racial Disparities

Maine experienced a 163% increase in incarceration between 1983 and 2015.¹⁹⁶ And today, the average annual cost for housing someone in a Maine state prison is around \$78,000.¹⁹⁷ The state currently ranks 44th out of 50 for racial disparity in state prisons, with Black

Mainers incarcerated at over nine times, and Indigenous people incarcerated at over six times the rate of white Mainers (see Figure 14).¹⁹⁸ In Portland, the state's largest city, Black people account for 17% of all arrests, despite making up only 4% of the population, and are *significantly more likely to be arrested* if the incident was initiated by an officer than by a 911 call.¹⁹⁹

Racial disparities are also evident in the proportion of drug-related arrests of people of color in Maine.²⁰⁰ Research shows that Black people use illicit and illegal drugs at a similar rate to white people, but they are three and a half times more likely nationally to be arrested for drug possession charges.²⁰¹ In Maine, this has historically been exemplified in charges for marijuana possession, where the arrest rate was 2.1 times higher for Black Mainers than white Mainers in 2012, and up to four times higher in 2018.²⁰² The issue of racial disparities in incarceration is also deeply tied to Maine's housing crisis, which disproportionately impacts people of color. From 2018 to 2020, more than one third of arrests made in the city of Portland were people who were unhoused (see more in [Housing](#)).²⁰³

Collateral Consequences

Racial disparities embedded in the criminal legal system both stem from and factor into the broader structures of disparity and inequality in society. Just as people who are already marginalized are more likely to face incarceration, those who have been incarcerated are more likely to face challenges in finding stable housing, securing loans, completing their education, and finding stable work. A study conducted by the Bureau of Justice Statistics, for example, followed more than 50,000 people after their release from federal prison in 2010, and found that "33% found no employment at all over four years post-release, and at any given time, no more than 40% of the cohort was employed. People who did find jobs struggled, too: Formerly incarcerated people in the sample had an average of 3.4 jobs throughout the

four-year study period, suggesting that they were landing jobs that didn't offer security or upward mobility."²⁰⁴
²⁰⁵ These issues are indeed present in Maine, where the 2022 Reintegration Report Card offered by the Collateral Consequence Resource Center ranked Maine 44 out of 50 states for laws restoring rights and opportunities after arrest and conviction. Maine had slipped back 5 places since the 2020 report.²⁰⁶

QUICK FACTS

Maine ranks **44th** for Black-White disparity in state prisons.

Maine incarcerates Black people at a rate **9.2 times higher** than white people.

Maine experienced a **163% increase in incarceration** between 1983 and 2015.

The average annual cost for housing an inmate in Maine is **\$78,000**.

BACKGROUND CONTEXT & THEORY

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NATIONAL-LEVEL DATA SOURCES

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[American Inequality: Violent Crime and Inequality](#).
[The Sentencing Project: US Criminal Justice Data](#).
[Bureau of Justice Statistics Annual Report \(2021\)](#).
[National Institute of Corrections National Data \(2021\)](#).

MAINE-SPECIFIC DATA SOURCES

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[National Institute of Corrections: Maine's Justice System](#).
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