



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

LD259 “An Act to Establish the Criminal Records Review Commission in Statute”

February 12, 2025

Senator Carney , Representative Kuhn, and Honorable Members of the Judiciary Committee.

My name is Rae Sage, and I am the Policy Coordinator for the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. The Permanent Commission’s role is to examine racial disparities across all systems and advise Maine State Government on ways to improve the status and outcomes of historically disadvantaged racial, Indigenous, and tribal populations.

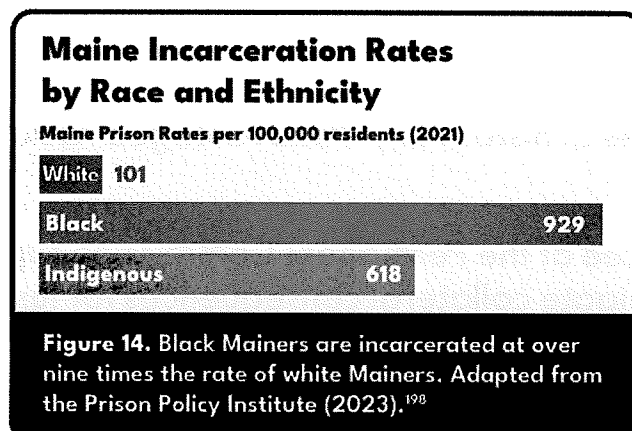
The Policy Committee of the Permanent Commission supports legislative work that helps mitigate collateral consequences for justice impacted individuals. Our committee also supports policy and rule making that helps divert people from continuous involvement with the criminal legal system by supporting successful reentry post incarceration. By permanently establishing the Criminal Record Review Committee in statute, LD259 creates an annually convening space to address and advance these positions by dedicating time, energy and resources to addressing the punitive nature of the publicly available criminal records as it stands today.

Racial disparities embedded in the criminal legal system both stem from and factor into broader structures of inequality. 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. In this way, the ramifications of an open publicly available

criminal record perfectly illustrate the compounding nature of racial disparities.

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.¹ In Portland, 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.²

The racial inequities created and maintained through centuries of laws, policies, and practices have often been upheld and perpetuated intentionally. There is no neutrality - as we have seen time and time again, so-called "race neutral" decisions are a choice to maintain the racial disparities in the current status quo. Dismantling and remediating historical inequities requires the same amount of sustained intentionality that establishing them took.



For more information on disparities in the criminal legal system and the intersection of compounding topics please read our State of Racial Disparities Report available on our [website](#) and in print.

¹ Prison Policy Institute. Maine profile. (n.d.). <https://www.prisonpolicy.org/profiles/ME.html>

² 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. https://cloudup.com/cZKsh_mMGoi