Permanent Commission
RACIAL, INDIGENOUS & TRIBAL POPULATIONS

Testimony Regarding LD 1923

An Act to Repurpose Long Creek Youth Development Center and Build a Community System of Support

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

January 12, 2026

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Sam Zuckerman. I am the Policy Coordinator of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. I am here today to testify neither for nor against LD 1923, "An Act to Repurpose Long Creek Youth Development Center and Build a Community System of Support."

The Permanent Commission's Policy Committee broadly supports legislation that would make systemic reforms to Maine's criminal legal system through diversion and mitigation of collateral consequences for impacted individuals. I am here to provide relevant information and context about disparate impacts of the criminal legal system on youth of color to help in your consideration of this bill.

It is important when approaching the criminal legal system to understand how our current system is failing us all. Today, as many as half of violent crimes in the US[i] and two-thirds of all crimes in Maine[ii] are believed to have been unreported because people either don't trust or are disillusioned with the criminal legal system. Programs that divert people from entering the criminal legal system are promising because they have been shown to have higher rates of satisfaction among people harmed by crimes,[iii] reduced recidivism by those causing the harm,[iv] and are more cost effective than use of corrections institutions.[v]

Both nationally and in Maine, children and young adults who are people of color are overrepresented in our criminal legal system.[vi] 17% of children who have been subject to juvenile

confinement are children of color and 13% are Black.[vii] 35% of young Black men between 18 and 24 have had contact with the Maine corrections system, while only 15% of white men have.[viii] One study found that, at the time of data collection, 31% of 18-24 year olds that were incarcerated were people of color, 22% were Black, and 6% were indigenous.[ix]

The reasons driving disparities in our criminal legal system are increasingly complex. For youth, education is a major factor. Zero tolerance policies and increased use of school resource officers in public schools push children, frequently children of color, out of schools and into the legal system at a young age.[x] In 2022, Portland Public Schools released survey findings that Black students in the district were suspended at 1.5 times their enrollment rate. Black students in Portland Middle Schools made up only 28% of the student population but received 47% of suspensions.[xi] Statewide, Black students were suspended at about twice their enrollment rate between 2013 and 2018, Indigenous and Latino students were suspended at or above their enrollment rates, and white and Asian students were suspended at or below their enrollment rates.[xii] A student's race is the most predictive attribute in explaining disciplinary disparities, even when student behavior is controlled for.[xiii]

When we're talking about youth involvement with the criminal legal system, talking about education factors matters because implicit and explicit bias in schools, along with compounding factors such as hunger, housing, and wealth inequality, can lead to high rates of truancy and low performance in students.[xiv] And frequent suspensions are associated with increased rates of introduction to the legal system.[xv]

Thank you for your time and attention. I would be happy to answer any questions.

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[i] Sered, D. (2017). *Accounting for Violence: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration.* New York: Vera Institute of Justice. https://www.vera.org/downloads/publications/accounting-for-violence.pdf

[ii] Murray, C., Dumont, R. & Shaler, G. (2022). *2022 Maine Crime Victimization Report: Informing Public Policy for Safer Communities.* Maine Statistical Analysis Center, University of Southern Maine. https://rb.gy/fvxov

[iii] Van Camp, T. & Wemmers, J.A. (2016). Victims' Reflections on the Protective and Proactive Approaches to the Offer of Restorative Justice: The Importance of Information. *Canadian Journal of Criminology and Criminal Justice,* 58(3).

[iv] Latimer, J., Dowden, C. & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal,* 85(2), 127-144; Sliva, S., Porter-Merrill, E.H. & Lee, P. (2019). Fulfilling the Aspirations of Restorative Justice in the Criminal System? A Case for Colorado. *Kansas Journal of Law & Public Policy,* 28(3); Strang, H., Sherman, L.W., Mayo-Wilson, E., Woods, D.J. & Ariel, B. (2013). Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews,* 9(1).

[v] For example, a study in the United Kingdom found an 8 to 1 cost benefit ratio. RJ FN 52
[vi] Foley, J., & King, E. (2022). EMERGING ADULTS: An Analysis of Young Adults with Justice System Histories in Maine. Portland, ME: University of Southern Maine, Catherine Cutler Institute.
[vii] *See* note vi, page 8.
[viii] *See* note vi, page 8.
[ix] *See* note vi, page 8.
[x] Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles. https://escholarship.org/uc/item/2t36g571
[xi] Maine ACLU. (2017). We Belong Here, Eliminating Inequity in Education for Immigrants and Students of Color in Maine. https://www.aclumaine.org/sites/default/files/webelonghere_report.pdf
[xii] Office for Civil Rights. (2024). Maine. US Department of Education. https://civilrightsdata.ed.gov/profile/us/me?surveyYear=2020.
[xiii] Skiba, R., Michael, R.S., & Nardo, A.C. (2000). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. US Department of Education Office of Educational Research and Improvement. files.eric.ed.gov/fulltext/ED468512.pdf; Welsh, R.O., & Little, S. (2018). The school discipline dilemma: A comprehensive review of disparities and alternative approaches. Review of Educational Research. 88(5), p. 752-794.
[xiv] American Psychological Association. (2017). Education and Socioeconomic Status. https://www.apa.org/pi/ses/resources/publications/education; Rothstein, R. (2017). The Color of Law: A Forgotten History of How our Government Segregated America. Liveright Publishing.
[xv] Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). Are We Closing the School Discipline Gap? UCLA: The Civil Rights Project / Proyecto Derechos Civiles. https://escholarship.org/uc/item/2t36g571; Skiba, R.J., Arredondo, M.I., & Williams, N.T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. Equity and Excellence in Education. 47(4), p. 546-564.

Public Education

Mainers know that a quality education is the backbone of a flourishing community. Not only is education a human right,[149] but a strong education can help people succeed in their careers, and improves emotional intelligence and the quality of our civic life.[150] Completing high school is shown to increase an individual's financial stability and socio-emotional well-being, improve health outcomes, and increase public service and community engagement.[151] These are among the reasons that public education has been called the "great equalizer" of society.[152] What students learn matters, however, and in Maine, we still have a lot of work to do to ensure that our students are learning the full history of our state, and that opportunities to learn are available to everyone. Research has consistently shown that addressing racial disparities in education and embracing diversity in schools leads to positive outcomes for all students.[153]

Experience of Racism in Maine Schools

'*Racism is my high school experience*' – the words of then-Bangor High student Amara Ifeji – appeared among the headlines of the Bangor Daily News in June of 2020. The paper's investigation into pervasive racism at Bangor Schools brought to light the racial slurs, taunts, and discrimination that five students of color faced, and how administrators and teachers failed to act. Less than a year later, an independent investigation commissioned by the Bangor School Department confirmed these students' experiences. But Bangor schools are far from alone in confronting racism. Schools throughout the state have received similar allegations and documentation. In May of 2022, more than 200 students at Portland Middle Schools held a protest claiming their school culture tolerates racism. One month later, Portland Public Schools announced survey findings that the district's Black students were suspended at 1.5 times their enrollment rate, with the most pronounced disparities found in Portland Middle Schools, where Black students made up 28% of the student population but received 47% of suspensions. Parents of immigrant students attending Skowhegan area schools reported their 9- and 14-year-old children were called the n-word by other students, and similar allegations were raised in Waterville and Fairfield-area schools. English language learning students across the state described unique challenges, including a profound sense of isolation at school due to their placement in separate classrooms and buildings.[154] These forms of interpersonal discrimination and structural inequalities are known to harm academic performance, and are significant factors in explaining Maine's racial disparities in educational achievement.[155]

Educational Achievement in Maine Schools

Maine's public school system educates around 170,000 students from kindergarten to grade 12 every year. From 2013 to 2023, these schools became significantly more diverse, serving around 16% students of color compared with only 10% a decade ago.[156] As these numbers grow, racial disparities in education become clear. Generally, Maine students of color have below-average enrollment rates in Advanced Placement (AP) courses and Gifted and Talented programs.[157] In high school, students of color and English language learning students are less likely to graduate.[158, 159] Maine is one of only three states in the nation where the academic achievement gap (measured by standardized test scores) between Black and white students grew between 2000 and 2013.[160] Lack of diversity among staff and educators may be partially responsible for these shortcomings. Research shows that students of color do better when they have teachers that look like them[161, 162] and while the number of students of color grows, it is unclear if similar trends are occurring among educators. The Maine Department of Education (DOE) does not collect racial data on school staff, but other sources suggest that Maine's current teacher pool remains well over 90% white.[163, 164]

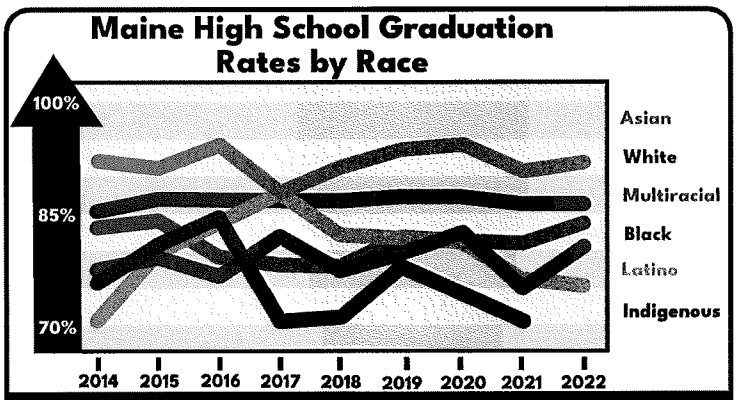

Figure 12. Indigenous, Latino, and Black students are less likely to graduate from Maine high schools.* Data Source: New England Secondary School Consortium. (2023).[166]

Factors Driving Disparate Outcomes

There are many factors driving racial disparities in Maine's educational achievement. These include implicit and sometimes explicit bias among educators and students, systemic challenges for supporting English language learning students,[165, 166] and compounding factors related to hunger, housing, and wealth inequality that can lead to high rates of truancy and low performance among students[167, 168] (see more in Food Security, Housing, and Wealth and Income). These impacts are particularly noticeable among Indigenous students, where in 2022, for example, the DOE reported that as many as 50% of Maine students

* *Graduation rates have been computed using the formula (# of Graduates) ÷ (# Adjusted Freshmen Cohort). The rate relies on the identification and tracking of a four-year graduation cohort. New England Secondary School Consortium. (2023). Common Data Project Annual Report.*

identifying as Indigenous were chronically absent, nearly twice the rate of white, Black, and Asian students.[169] In turn, this group had the highest high school drop-out rate at nearly 20% compared to only 9% for students identifying as Black or white (see Figure 12).[170] Racial disparities in school discipline also factor into educational achievement. From 2013 to 2018, Black students in Maine were suspended at approximately twice their enrollment rate. During the same period, Indigenous and Latino students were suspended at or above their enrollment rate while white and Asian students were suspended at or below their enrollment rates† [171] (see Figure 13). Nearly 50 years of research nationally has found a student's race is the most predictive attribute in explaining disciplinary disparities, even when controlling for student behavior.[172, 173] Frequent suspensions are associated with lower graduation rates, poorer job prospects, and increased rates of introduction to the justice system through a "school to prison pipeline"[174, 175] (see more in Criminal Legal System).

Teaching Honest History

In 2001, the Maine legislature passed a law establishing a requirement for Maine K–12 schools to teach students about the history, sovereignty, and contemporary culture of Wabanaki communities, following suit in 2021 with a similar law to teach African American history. But nearly 23 years later, a lack of resources and statewide enforcement to implement these programs means that curriculum is uneven across the state.[176] This contributes to incorrect assumptions about Maine's participation in the global slave trade and historical demographic make-up, and allows for widespread ignorance about Wabanaki people and culture, their rights as sovereign nations, and the false and harmful impression that Wabakai people no longer exist in Maine[177] For Wabanaki and African American students in Maine schools today, these omissions amount to the erasure of their culture and ancestors' history in the land they call home. For Maine's broader student body, these omissions allow students to graduate without critical knowledge and perspectives that can help them to engage meaningfully in relationships with their neighbors, classmates, and broader communities.

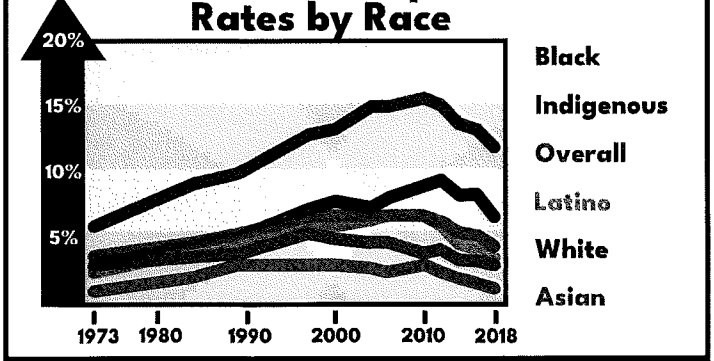

Figure 13. Black and Indigenous students are more likely to be suspended than other students. Adapted from Leung-Gagné, et al (2022).[183]

Disparities Beyond High School

For students who do complete high school, many choose to go on to attend higher education. While the racial gap in higher education has been closing in recent years,[178] we do see disparities emerge as a result of other systemic factors. Students from economically disadvantaged backgrounds, for example, enroll and graduate from college at significantly lower rates, and Mainers of color are disproportionately low-income‡ [179] (see more in Wealth and Income). Student debt compounds this issue. Today, Maine ranks 10th in the nation for highest average student debt ($32,764), and 8th for the number of students with debt (63%).[180] Maine has in recent years proven to be a leader in addressing the root causes of these disparities by providing the Free College Scholarship, which covers community college tuition and mandatory fees for recent high school graduates.[181] Programs like these have been proven to help all students, but in doing so, offer significant benefits to Black and Latino students who face systemic financial barriers to college access.[182]

QUICK FACTS:

Maine's current teacher pool is more than 90% white.

Maine is one of only three states where academic achievement gap between Black and white students grew between 2000 and 2013.

From 2013-2018, Black students in Maine were suspended at approximately twice their enrollment rate.

Indigenous students in Maine dropout of high school at nearly twice the rate of both white and Black students.

BACKGROUND CONTEXT & THEORY

Dufresne, S. (2018). *The history of institutional racism in US public schools.* Garn Press.

Morris, E. W., & Perry, B. L. (2016). The punishment gap: School suspension and racial disparities in achievement. *Social Problems,* 63(1), 68-86.

United States Government Accountability Office. (June, 2022). *Student population has significantly diversified, but many schools remain divided along racial, ethnic, and economic lines.* Report for the Chairman, Committee on Education and Labor, House of Representative.

NATIONAL-LEVEL DATA SOURCES

National Center for Education Statistics: Achievement Gaps.
US Department of Education: Office of Civil Rights Data on Equal Access to Education.
Stanford Center for Education Policy Analysis: Racial and Ethnic Achievement Gaps.

MAINE-SPECIFIC DATA SOURCES

New England Secondary School Consortium: Common Data Project 2022 Annual Report.
Maine Department of Education Data Warehouse.
National Center for Education Statistics: Maine Dashboard.
Maine Department of Education Student Enrollment Data.

†The most recent data are from the 2020-2021 school year, when 88% of schools in the US had switched to a hybrid of virtual and in-person instruction. These data show that the overall number of suspensions in Maine dropped, and that suspension rates for Black and Latino students fell below their enrollment rates, while Indigenous students were suspended at more than twice their enrollment rate. Interpretation of these data and comparison to past trends should consider the impacts of the pandemic on education.

‡College enrollment and graduation rates should be interpreted with caution due to small population sizes.

137 Lieberman, H., Agarwal, S., Caldwell, J., & Fulgoni III, V. (2020). Demographics, sleep, and daily patterns of caffeine intake of shift workers in a nationally representative sample of the US adult population. *Sleep.* 43(3).

138 Harrington, E., & McInturff, B. (2021). *Working While Caring: A National Survey of Caregiver Stress in the US Workforce - Key Findings.* Rosalynn Carter Institute for Caregivers. https://rosalynncarter.org/wp-content/uploads/2021/09/210140-RCI-National-Surveys-Executive-Summary-Update-9.22.21.pdf

139 Campbell, S., Del Rio Drake, A., Espinoza, R., & Scales, K. (2021). *Caring for the Future: The Power and Potential of America's Direct Care Workforce*

140 Phillips, A. (2023, May 9). Child care legislation to benefit Maine workers and families. MECEP analysis of US Census Bureau's household pulse survey. *Maine Center for Economic Policy.* https://www.mecep.org/blog/child-care-legislation-benefit-maine-workers-families/

141 Myall, J. (2022). *State of Working Maine 2022: Recognizing the Value of Labor.* Maine Center for Economic Policy. https://www.mecep.org/wp-content/uploads/2022/10/State-of-Working-Maine-2022.pdf

142 Mason, J., & Molina Acosta, P. (2021). *Called to Care: A Racially Just Recovery Demands Paid Family and Medical Leave.* National Partnership for Women & Families.

143 Mabud, R., et al. (2021). *Foundations for a Just and Inclusive Recovey.* National Employment Law Project. https://ecommons.cornell.edu/server/api/core/bitstreams/fdd82af7-9ac6-462a-a83e-4f7c096a269e/content

144 Adams, G., & Henly, J.R. (2020). *Child care subsidies: Supporting work and child development for healthy families.* Health Affairs. https://www.healthaffairs.org/do/10.1377/hpb20200327.116465/

145 Lieberman, H., Agarwal, S., Caldwell, J., & Fulgoni III, V. (2020). Demographics, sleep, and daily patterns of caffeine intake of shift workers in a nationally representative sample of the US adult population. *Sleep.* 43(3).

146 Council for a Strong America. (2023). *The Growing, Annual Cost of the Infant-Toddler Child Care Crisis in Maine.* https://www.strongnation.org/articles/2173-the-growing-annual-cost-of-the-infant-toddler-child-care-crisis-in-maine.

147 Phillips, A., & Phillips, J. (2023). *The High Cost of Undervaluing Direct Care Work.* Maine Center for Economic Policy. https://www.mecep.org/wp-content/uploads/2023/04/The-High-Cost-of-Undervaluing-Direct-Care-Work.pdf.

148 Reinhard, S., et al. (2023). Innovation and Opportunity: A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers, 2023 Edition. AARP Public Policy Institute.

149 UN General Assembly. (1948). Universal Declaration of Human Rights (217 [III] A).

150 Dewey, J. (2024). *Democracy and education.* Columbia University Press.

151 Bladen, J., Matthias, D., & Stuhler, J. (2022). *Education inequality.* Centre for Economic Performance. https://eprints.lse.ac.uk/117857/1/dp1849.pdf

152 Growe, R., Montgomery, S. (2003). Educational equity in America: Is education the great equalizer? *The Professional Educator.* 25(2), p. 23-29.

153 Brief of Amicus Curiae The American Psychological Association in Support of Respondents, Abigail Noel Fisher v. University of Texas at Austin, (US Supreme Court) (no. 11-345).

154 Maine ACLU. (2017). *We Belong Here, Eliminating Inequity in Education for Immigrants and Students of Color in Maine.* https://www.aclumaine.org/sites/default/files/webelonghere_report.pdf

155 Murphy, M.C., & Zirkel, S. (2015). Race and belonging in school: How anticipated and experienced belonging affect choice, persistence, and performance. *Teachers College Record.* 117(12).

156 Maine Department of Education. (2024). Student enrollment data. https://www.maine.gov/doe/data-warehouse/reporting/enrollment

157 Office for Civil Rights. (2024). Maine. US Department of Education. https://civilrightsdata.ed.gov/profile/us/me?surveyYear=2020

158 New England Secondary School Consortium. (2023). *Common Data Project Annual Report.* https://www.greatschoolspartnership.org/data-report/

159 National Center For Education Statistics. (2024). Digest state dashboard: Maine. US Department of Education. https://nces.ed.gov/programs/digest-dashboard/state/maine

160 Stanford Center for Education Policy Analysis. (n.d.). The educational opportunity monitoring project. https://cepa.stanford.edu/educational-opportunity-monitoring-project/achievement-gaps/race/#fifth

161 Dee, T.S. (2001). Teachers, race, and student achievement in a randomized experiment. National Bureau of Economic Research. https://www.nber.org/papers/w8432

162 Maine Department of Education. (2024). Diversifying the educator workforce. https://www.maine.gov/doe/exploreeducation/teachmaine/themetwo

163 National Center for Education Statistics. (2012). Schools and staffing survey, "Total number of public school teachers and percentage distribution of school teachers, by race/ethnicity and state: 2011-2012." US Department of Education. https://nces.ed.gov/surveys/sass/tables/sass1112_2013314_t1s_001.asp

164 Mette, I.M., & Fairman, J.C. (2022). *MEPRI Survey Study of Maine Public School Administrators.* Maine Education Policy Research Institute. https://bpb-us-w2.wpmucdn.com/wpsites.maine.edu/dist/e/97/files/2022/08/MEPRI_Survey_Study_of_Maine_School_Administrators_F.pdf

165 Maine ACLU. (2022). *The Wabanaki Studies Law, 21 Years After Implementation.* https://www.aclumaine.org/sites/default/files/field_documents/2022_wabanaki_report-digital-rev.pdf

166 New England Secondary School Consortium. (2023). *Common Data Project Annual Report, Executive Summary.* https://www.greatschoolspartnership.org/wp-content/uploads/2024/04/CDP_Executive_Summary_April_17_2023.pdf

167 American Psychological Association. (2017). *Education and Socioeconomic Status.* https://www.apa.org/pi/ses/resources/publications/education

168 Rothstein, R. (2017). *The Color of Law: A Forgotten History of How our Government Segregated America.* Liveright Publishing.

169 Maine Department of Education (2023). Percentage of students chronically absent by race or ethnicity. https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Chronic%20Absent%20Data%20-%202022%2B%20Updated%20%20%281%29.xlsx

170 New England Secondary School Consortium. (2023). Common Data Project Annual Report.

171 Office for Civil Rights. (2024). Maine. US Department of Education. https://civilrightsdata.ed.gov/profile/us/me?surveyYear=2020.

172 Skiba, R., Michael, R.S., & Nardo, A.C. (2000). *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment.* US Department of Education Office of Educational Research and Improvement. files.eric.ed.gov/fulltext/ED468512.pdf

173 Welsh, R.O., & Little, S. (2018). The school discipline dilemma: A comprehensive review of disparities and alternative approaches. *Review of Educational Research.* 88(5), p. 752-794.

174 Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are We Closing the School Discipline Gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles. https://escholarship.org/uc/item/2t36g571

175 Skiba, R.J., Arredondo, M.I., & Williams, N.T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. *Equity and Excellence in Education.* 47(4), p. 546-564.

176 Maine ACLU. (2022). The Wabanaki Studies Law, 21 Years After Implementation.

177 Ibid.

178 Otherness and Belonging Institute. (2023). Racial Disparities Dashboard. https://belonging.berkeley.edu/racial-disparities

179 New England Secondary School Consortium. (2023). Common Data Project Annual Report.

180 The Institute for College Access and Success. (2021). Student debt and the class of 2020. https://ticas.org/wp-content/uploads/2021/11/classof2020.pdf

181 Maine's Community Colleges. (2024). Free college. https://www.mccs.me.edu/freecollege/

182 Gándara, D., & Li, A. (2020). Promise for whom? "Free-college" programs and enrollments by race and gender classifications at public, 2-year colleges. *Educational Evaluation and Policy Analysis.* 42(4), 603-627.

183 Leung-Gagné, M., McCombs, J., Scott, C., & Losen, D.J. (2022). Pushed Out: Trends and Disparities in Out-of-School Suspension. Learning Policy Institute. https://learningpolicyinstitute.org/sites/default/files/2022-09/CRDC_School_Suspension_REPORT.pdf

184 Sered, D. (2017). *Accounting for violence: How to increase safety and break our failed reliance on mass incarceration.* New York: Vera Institute of Justice. https://www.vera.org/downloads/publications/accounting-for-violence.pdf

185 Murray, C., Dumont, R., & Shaler, G. (2022). *2022 Maine crime victimization report: Informing public policy for safer communities.* Maine Statistical Analysis Center. University of Southern Maine. https://rb.gy/fvxov

186 Vera Institute. Ending mass incarceration. Data from the World Prison Brief. https://www.vera.org/ending-mass-incarceration

187 Bureau of Justice Statistics. (2022). Jail inmates in 2021. https://rb.gy/3c10x

188 NAACP. The Origins of Modern Day Policing. https://naacp.org/find-resources/history-explained/origins-modern-day-policing

189 Wells, J. (2020). *The Kidnapping Club: Wall Street, Slavery, and Resistance on the Eve of the Civil War.* Bold Type Books

190 Turner, J., et al. (2022). *Captive labor: Exploitation of incarcerated workers.* Global Human Rights Clinic: 4. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1003&context=ghrc

191 McCann, S. (2023). From fighting wildfires to digging graves, incarcerated workers face danger on the job. *Vera Institute of Justice.* https://www.vera.org/news/from-fighting-wildfires-to-digging-graves-incarcerated-workers-face-danger-on-the-job

192 Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles. https://escholarship.org/uc/item/2t36g571

193 Alexander, M. (2010). *The New Jim Crow: Mass incarceration in the age of colorblindness.* The New Press, New York, NY.

194 Fagan, J. (2021). No runs, few hits, and many errors: Street stops, bias, and proactive policing. *UCLA L. Rev.* 68, 1584.

195 Edwards, F., Lee, H., & Esposito, M. (2019). Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex. *Proceedings of the National Academy of Sciences.* 116(34), 16793-16798.

196 Vera Institute. (2019). Incarceration trends in Maine. https://rb.gy/ijzgt

197 Maine Department of Corrections. 2022. DOC Responses to Other Information Requests. accessed 3/12/23. https://legislature.maine.gov/doc/9093

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

199 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

200 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

201 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_

202 ACLU. (2020). *A tale of two countries: Racially targeted arrests in the era of marijuana reform.* https://www.aclu.org/wp-content/uploads/publications/marijuanareport_03232021.pdf

203 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

204 Wang, L. & Bertram, W. (2022). New data on formerly incarcerated people's employment reveal labor market injustices. *Prison Policy Institute.* https://www.prisonpolicy.org/blog/2022/02/08/employment/

205 Carson, E.A., Sandler, D.H., Bhaskar, R., Fernandez, L.E., Porter, S.R. (2021). *Employment of Persons Released From Federal Prison in 2010.* Bureau of Justice Statistics. https://bjs.ojp.gov/content/pub/pdf/eprfp10.pdf

206 Colgate Love, M. (2022). *The Reintegration Report Card.* Collateral Consequences Resource Center. https://ccresourcecenter.org/wp-content/uploads/2022/03/The-Reintegration-Report-Card.3.2122.pdf

207 Me. H.R. Reg. Sess. (2021) Resolution Proposing an Amendment to the Constitution of Maine To Establish a Right to Food. https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0061&item=1&snum=130

208 Rabbitt, M.P., Hales, L.J., Burke, M.P., & Coleman-Jensen, A. (2023). *Household food security in the United States in 2022.* US Department of Agriculture, Economic Research Service. https://www.ers.usda.gov/publications/pub-details/?pubid=107702

209 Hall, L. (2023, October 26). Food Insecurity Increased in 2022, With Severe Impact on Households With Children and Ongoing Racial Inequities. *Center on Budget and Policy Priorities.* https://www.cbpp.org/blog/food-insecurity-increased-in-2022-with-severe-impact-on-households-with-children-and-ongoing

210 National Institute on Minority Health and Health Disparities. (2024). Food accessibility, insecurity and health outcomes. https://www.nimhd.nih.gov/resources/understanding-health-disparities/food-accessibility-insecurity-and-health-outcomes.html

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 US[184] and around two-thirds of violent crimes in Maine[185] 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 response[191] (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 pipeline[192] (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]

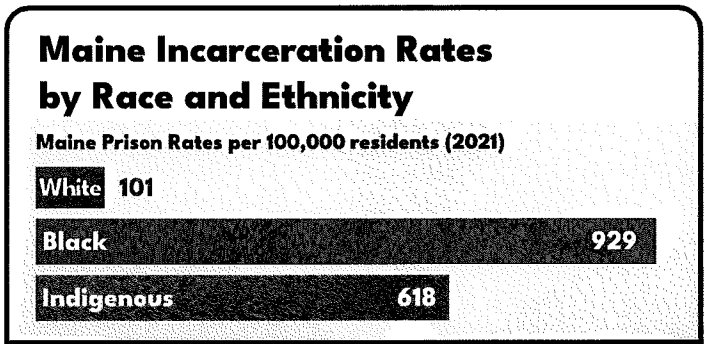

Figure 14. Black Mainers are incarcerated at over nine times the rate of white Mainers. Adapted from the Prison Policy Institute (2023).[198]

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

33%

of formerly incarcerated people couldn't find work four years after release.[205]

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

Alexander, M. (2010). *The New Jim Crow: Mass incarceration in the age of colorblindness.* The New Press, New York, NY.

Bass, S. (2001). Policing space, policing race: Social control imperatives and police discretionary decisions. *Social Justice,* 28 (83).

Brown, E., & Barganier, G. (2018). *Race and crime: Geographies of injustice.* University of California Press.

National Research Council. (2014). The Growth of Incarceration in the United States: Exploring Causes and Consequences. Eds. J. Travis, B. Western, &S. Redburn. Washington, DC: The National Academies Press.

Provine, D. M. (2011). Race and inequality in the war on drugs. *Annual Review of Law and Social Science,* 8.

NATIONAL-LEVEL DATA SOURCES

Otherness and Belonging Institute Racial Disparities Dashboard.
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

Maine Department of Corrections Reports and Statistical Data.
National Institute of Corrections: Maine's Justice System.
Prison Policy Institute: Maine Profile.

References

183 Leung-Gagné, M., McCombs, J., Scott, C., & Losen, D.J. (2022). Pushed Out: Trends and Disparities in Out-of-School Suspension. Learning Policy Institute. https://learningpolicyinstitute.org/sites/default/files/2022-09/CRDC_School_Suspension_REPORT.pdf

184 Sered, D. (2017). *Accounting for violence: How to increase safety and break our failed reliance on mass incarceration.* New York: Vera Institute of Justice. https://www.vera.org/downloads/publications/accounting-for-violence.pdf

185 Murray, C., Dumont, R., & Shaler, G. (2022). *2022 Maine crime victimization report: Informing public policy for safer communities.* Maine Statistical Analysis Center. University of Southern Maine. https://rb.gy/fvxov

186 Vera Institute. Ending mass incarceration. Data from the World Prison Brief. https://www.vera.org/ending-mass-incarceration

187 Bureau of Justice Statistics. (2022). Jail inmates in 2021. https://rb.gy/3c10x

188 NAACP. The Origins of Modern Day Policing. https://naacp.org/find-resources/history-explained/origins-modern-day-policing

189 Wells, J. (2020). *The Kidnapping Club: Wall Street, Slavery, and Resistance on the Eve of the Civil War.* Bold Type Books

190 Turner, J., et al. (2022). *Captive labor: Exploitation of incarcerated workers.* Global Human Rights Clinic: 4. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1003&context=ghrc

191 McCann, S. (2023). From fighting wildfires to digging graves, incarcerated workers face danger on the job. *Vera Institute of Justice.* https://www.vera.org/news/from-fighting-wildfires-to-digging-graves-incarcerated-workers-face-danger-on-the-job

192 Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles. https://escholarship.org/uc/item/2t36g571

193 Alexander, M. (2010). *The New Jim Crow: Mass incarceration in the age of colorblindness.* The New Press, New York, NY.

194 Fagan, J. (2021). No runs, few hits, and many errors: Street stops, bias, and proactive policing. *UCLA L. Rev.* 68, 1584.

195 Edwards, F., Lee, H., & Esposito, M. (2019). Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex. *Proceedings of the National Academy of Sciences.* 116(34), 16793-16798.

196 Vera Institute. (2019). Incarceration trends in Maine. https://rb.gy/ijzgt

197 Maine Department of Corrections. 2022. DOC Responses to Other Information Requests. accessed 3/12/23. https://legislature.maine.gov/doc/9093

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

199 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

200 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

201 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

202 ACLU. (2020). *A tale of two countries: Racially targeted arrests in the era of marijuana reform.* https://www.aclu.org/wp-content/uploads/publications/marijuanareport_03232021.pdf

203 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

204 Wang, L. & Bertram, W. (2022). New data on formerly incarcerated people's employment reveal labor market injustices. *Prison Policy Institute.* https://www.prisonpolicy.org/blog/2022/02/08/employment/

205 Carson, E.A., Sandler, D.H., Bhaskar, R., Fernandez, L.E., Porter, S.R. (2021). *Employment of Persons Released From Federal Prison in 2010.* Bureau of Justice Statistics. https://bjs.ojp.gov/content/pub/pdf/eprfp10.pdf

206 Colgate Love, M. (2022). *The Reintegration Report Card.* Collateral Consequences Resource Center. https://ccresourcecenter.org/wp-content/uploads/2022/03/The-Reintegration-Report-Card.3.2122.pdf