



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

Testimony in Support of LD 1941 *An Act to Implement Recommendations of the Commission to Examine Reestablishing Parole*

Presented to the Joint Standing Committee on Judiciary

January 8, 2026

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, 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 1941, “An Act to Implement Recommendations of the Commission to Examine Reestablishing Parole.”

The Permanent Commission’s Policy Committee broadly supports legislation that would make systemic reforms to Maine’s criminal legal system, including those that create and expand opportunities that are supportive to reentry. However, because parole systems can perpetuate the inequities that are present in our criminal legal system, I am here to provide information about the disparate impact of our criminal legal system on Mainers of color to support 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 USⁱ and two-thirds of all crimes in Maineⁱⁱ are believed to have been unreported because people either don’t trust or are disillusioned with the criminal legal system. Restorative justice 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. You can read more about diversion programs and the significant racial disparities in the criminal legal system in our report on restorative justice available on our website.^{v vi}

A parole system that is accessible, transparent, and supportive of those participating in them is an elusive undertaking – according to the Prison Policy Initiative, no state has earned higher than a B minus grade for its parole system.^{vii} And most parole systems became even harder to navigate during the COVID-19 pandemic, with parole

approval rates dropping in most states between 2019 and 2022.^{viii} Many parole systems also allow for discretionary and subjective assessments rather than requiring uniform, transparent standards for determining parole eligibility.^{ix} This creates the potential for implicit bias to influence decisions on who is and is not granted parole.^x

Black Mainers are incarcerated at a rate of nine times more and Indigenous people are incarcerated at a rate of six times more than white Mainers.^{xi} Given this existing and significant inequity in our criminal legal system, any parole system considered must explicitly address equity for marginalized groups that are overrepresented in our corrections systems. The bill currently requires an actuarial evidence-based risk assessment to be the central factor that is weighed, and for that assessment to account for racial bias. Additional training for parole board members regarding implicit bias could be another way to ensure that equity is a built-in feature of the parole system. Some experts also recommend that eligibility for review should renew annually and that parole hearings should require a presumption of eligibility.^{xii} Ultimately, the goal should be for an equitable and transparent system so that every incarcerated Mainer has the same opportunity to qualify for parole.

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

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 Maine Department of Corrections. (2022). DOC Responses to Other Information Requests. <https://legislature.maine.gov/doc/9093>.

^{vi} Angel, C.M., et al. (2014). Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial. *Journal of Experimental Criminology*, 10.

^{vii} Jorge Renaud, Prison Policy Initiative. *Grading the Parole Release Systems of All 50 States*. (2019). https://www.prisonpolicy.org/reports/grading_parole.html

^{viii} Emmett Sanders, Prison Policy Initiative. *No Release: Parole Grant Rates Have Plummeted in Most States Since the Pandemic Started*. (2023). <https://www.prisonpolicy.org/blog/2023/10/16/parole-grants/>

^{ix} Emmett Sanders, Prison Policy Initiative. *Prison Policy Initiative and MacArthur Justice Center's National Parole Transformation Project Release New Guiding Principles for Parole Reform*. (2025). <https://www.prisonpolicy.org/blog/2025/07/10/parole-principles/>

^x Jessica Eaglin and Danyelle Solomon, Brennan Center for Justice. *Reducing Racial and Ethnic Disparities in Jails: Recommendations for Local Practice*. (2015). Page 25-26.

https://www.brennancenter.org/media/121/download/Report_Racial%20Disparities%20Report%20062515.pdf?inline=1

^{xi} Bureau of Justice Statistics. (2022). Jail inmates in 2021. <https://rb.gy/3c10x>

^{xii} See note i.

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

[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](#).
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