

# A RESTORATIVE PATHWAY TO DECARCERATION AND ABOLITION

## TOWARD A CAGE-FREE MAINE: PART ONE, BEFORE



*Artwork by Christopher [surname redacted], photo/John Ripton, courtesy Freedom & Captivity*

*Abolition* means different things to different people. To some it references the struggle to end slavery in the United States during the decades before the Civil War. To others it represents freedom more broadly — a vision of a society free of injustice and oppression. And to another group it signals “anarchy,” the eradication of prisons and jails through a process that would cause violence and chaos.

To us, abolition is creating a society that prioritizes the healing of trauma, fosters strong community bonds, invests in the services and resources people need to live a healthy and dignified life, confronts and dismantles systems of oppression, and responds to harm with accountability and justice. Abolition means putting together the support structures and harm-remediation programs that would make prisons and jails obsolete while making all of us safer and healthier.

In short, abolition is a practice of *decarceration* — reducing the number of people in cages, both physical and electronic — that ultimately seeks to close prisons and jails, and end other forms of punitive confinement, by building a better society, one committed to safety and security for everyone.

What does safety and security look like to you?

To us it looks like affordable housing, health care and education for all. It looks like vibrant community centers with before- and after-school activities for kids. It looks like a society willing to confront the abuses of the past by acknowledging and repairing contemporary inequalities — inequalities rooted in slavery, sexism, and the brutal colonization of indigenous communities' land. It looks like safe schools that encourage intellectual risk-taking, where students are free to pursue ideas that excite them, to question authority, and to develop the emotional and interpersonal skills they'll need as adults. It looks like jobs that pay a fair wage and controls on corporate greed. It looks like Substance Use Disorder treatments that help, rather than criminalize, those who struggle with drug addiction. It looks like forms of social intervention that end generational cycles of domestic and sexual violence through healing and rehabilitation. And it looks like ending the gross inequality that's led to impoverishment and precarity for the majority and obscene riches for a privileged few.

What will this vision actually require in practice?

We know the United States is the world's biggest jailer, with 5 percent of the global population yet 25 percent of the world's prisoners. We know the U.S. cages a disproportionately high number of people of color, with Black people incarcerated at five times the rate of white people. We know the rate by which women are incarcerated has skyrocketed during the past two decades, primarily due to crimes related to drug use or possession. We know that more punitive laws — not rising crime rates — drove the 222 percent increase in the rate of incarceration in state prisons between 1980 and 2010. Nationally, one out of every 20 adults experiences some form of incarceration each year, and every other person in the U.S. has had a close relative put behind bars. Prison sentences in the U.S. are far longer, on average, than in all other countries. We have one of the highest recidivism (return to incarceration) rates in the world. We are one of the only countries on Earth that sentences people to "Death By Incarceration" (life sentences without the possibility of parole); 80 percent of all the people sentenced to Death By Incarceration are imprisoned in this country. Our government spends twice as much on police, prisons and courts than on income supplements, food stamps and related public-assistance programs combined.

We obviously have a massive, and worsening, incarceration problem, yet we keep pouring more public money into this hopelessly failed system. Why? As a report by Florida State researchers put it, "What other social intervention has a cost of over \$50 billion annually [some experts estimate it's actually \$80 billion], a failure rate of 60% to 75%, and has been tolerated for nearly

four decades?"

It's time for a change. This is how we can make it happen.



*Artwork inside Maine State Prison, photo/Trent Bell, courtesy Freedom & Captivity*

We present here a restorative pathway to decarceration and abolition for Maine. We believe this pathway can alleviate social problems and ensure community safety much more effectively than hyper-incarceration ever could. Our vision is far-reaching and unlikely to be fully realized in our lifetimes, but it includes many building blocks we can establish right now, providing a strong foundation for future generations to continue the work.

We offer our vision in three parts: BEFORE (things that need to happen to build safe, healthy communities while keeping people out of cages); MIDDLE (things that need to happen within prisons and jails to turn them into spaces of healing and rehabilitation, rather than punishment and harm); and AFTER (things that need to happen to ensure those freed from confinement successfully rejoin their communities). The BEFORE recommendations appear in this issue, and the MIDDLE and AFTER parts will be published in the February and March issues of *The Bollard*. We applaud the steps being taken toward some of these goals by Maine's Department of Corrections (DOC) and by some of Maine's forward-thinking prosecutors, knowing that we all share the goal of living in a just and secure society.

Whether we personally experience it or not, we are all affected by the societal plague of mass incarceration. In Maine, about 7,000 people are under the direct control of the DOC. Our state's prisons hold between 1,600 to 2,400 people on any given day, while Maine jails confine another 2,000. Roughly 40,000 people, held behind bars prior to court appearances, cycle through Maine jails every single year.

In 2021, 694 more people were imprisoned in Maine — almost two per day. Nearly half (45 percent) of those sentences were for probation violations, usually for behavior that would be legal were the person not on probation, like drinking an alcoholic beverage or failing to attend a substance-use treatment class that costs money they don't have. In addition to those behind bars, there are about 5,400 Mainers under some form of DOC supervision in their community: approximately 4,200 people are under what is called "active probation," required to engage in treatment or education and report to their probation officer on a regular basis, and roughly 1,200 others are on "passive probation," allowed to live more freely, but still required to occasionally check in with their probation officer, and their probation status can be changed to "active" at any time.

Maine's incarceration rates, like those nationwide, are racially unbalanced. Black, Indigenous, and People of Color (BIPOC) comprise 6 percent of our state's population, but 20 percent of those incarcerated in Maine. Black people comprise 2 percent of Maine's population, but 11 percent of Maine's incarcerated population, and 12 percent of those serving life/virtual life sentences in Maine.

On a positive note, the number of people in Maine's prisons has been decreasing since 2018, and the number of people released in 2021 (769) was greater than the number who entered. With just over 7,000 people currently ensnared in Maine's carceral system, we have a real opportunity to winnow our cages out of existence. When we look at California's mass release of 3,500 people in 2020, or the recent move by Oregon Gov. Kate Brown to give clemency to 1,147 people, we see a reason for hope in Maine. There was no spike in violence or crime when those releases took place. Given the relatively small (and shrinking) number of prisoners in Maine, abolition is possible here through safe, intentional, structured practices of rehabilitation and liberation.

## **BEFORE**

Social scientists know, based on copious evidence, what policies work to interrupt harm, build safe communities and minimize the number of people sentenced to jail or prison time. Caging people seldom accomplishes the goal of making communities safer; in fact, evidence indicates that spending time behind bars is traumatic, breeds more criminal behavior, and does little to reduce recidivism. In short, there is no evidence that incarceration reduces illegal behavior, and plenty of evidence that it makes crime worse.

While we will always need ways to separate those who are causing serious physical harm, using jails and prisons to address a wide range of social problems is not only ineffective, it's counterproductive. It drains desperately needed public resources from our communities, and the associated financial, psychological and social costs are enormous, practically beyond measure. Developing alternative responses to harm and investing in the services and resources that build truly safe neighborhoods are essential pathways toward a better future for all.

**Invest in Youth.** We can all agree that kids need to feel safe in their



neighborhoods, heard and nurtured in their schools, loved in their families and healthy in their bodies. Right now, we are failing by every one of those measures.

One in five Maine kids is food insecure; the new state program giving free school lunches to all students reflects the depth of the childhood hunger crisis. One in 12 Maine children lacks health insurance. One-fifth of Maine youth are involved in the criminal punishment, welfare or state behavioral-modification systems, are homeless, or are chronically absent from school. Fifteen percent of Maine youth fail to graduate from high school and 14 percent live in poverty.

This is devastating. We can, and must, do better! To break the school-to-prison pipeline that condemns so many children to a life of cyclical imprisonment, we need to do the following:

- *Implement Restorative Justice practices* in all schools to replace disciplinary systems that rely on punishment, suspension, expulsion and policing. Maine spends about \$12,500 to educate one student for one school year, but \$530,181 to incarcerate someone under the age of 18 for a year. It is far better to invest in restorative justice approaches for kids than to cage them. Teach our kids the importance of accountability and repair instead of punishment and separation.
- *Reform school curricula.* Forty percent of the people in Maine prisons failed to graduate from high school. We should ensure every child has access to curricula that reflect their experience in society, feed their curiosity and emotional growth, teach financial literacy, and grapple in meaningful, effective and hopeful ways with injustices in our national history. Our children are capable of handling hard truths and complexity. Our job is to provide them support and guidance, while modeling courageous compassion and understanding along the way.
- *Provide free or affordable higher education* to everyone who wants it. Maine's community colleges cost under \$15,000 a year; imprisoning someone costs up to \$74,000 a year. Private colleges and universities should extend targeted scholarships to those negatively impacted by our criminal punishment system. For the cost of incarcerating one person, we could educate – and potentially break the cycle of incarceration for – five people.
- *Fund community centers* that provide credible mentors; free health, dental and psychiatric care; gardening, arts and trade programs; nutritious food and nutrition education; and enriching before- and after-school activities. Youth need to feel that their communities care about them; investing in places that are dedicated to their health and success is a powerful way to express that care.
- *Provide extra supports for kids with incarcerated parents.* Between January of 2015 and May of 2020, there were 3,403 children in Maine with a parent in prison, a statistic that does not include parents in county jails or on probation. Having an incarcerated parent is traumatic – what psychologists call an Adverse Childhood Experience – and is related to increased levels of homelessness, mental health problems, behavioral challenges, low educational attainment and heightened risk of crime.

Children with incarcerated parents are six times more likely to become incarcerated themselves. We shouldn't live in a society where children suffer as a result of the state's punishment of their parents.

- *Eradicate juvenile incarceration* and replace it with community-based supportive housing and a statewide restorative justice diversion program for youth — one run by restorative justice professionals, not by law enforcement or the DOC. Diversion for juveniles should be the norm, because evidence shows that diversion, rather than incarceration, reduces the likelihood of another arrest, incarceration or violent act, and increases graduation rates and earnings in adulthood. Let's start treating other people's children the way we would want them to treat ours when kids (almost inevitably) make poor choices and cause harm as they try to navigate the dangerous road to adulthood.
- *Extend diversion-over-incarceration practices* to young adults between 18 and 27, following the lead of efforts in states like California, Delaware, Maryland, Massachusetts, New Hampshire, New York and Utah. Until 1976, when our state's approach to public safety took a sharply punitive turn, the *maximum* sentence for those up to 28 years old convicted of any crime in Maine was *three years*. As a mountain of evidence has accumulated proving harsh punishments do nothing to deter crime, why has our legal system become *more punitive* over the past half-century?



Artwork inside Maine State Prison, photo/Trent Bell, courtesy Freedom & Captivity

**Invest in Families and Communities.** Maine families are increasingly stressed by high food, housing and heating costs, skyrocketing levels of anxiety and depression (greatly worsened since the pandemic began, and compounded by substance abuse), a lack of decent and affordable child care, low wages, and a dysfunctional health-insurance system so awful that un-payable medical bills are the number one cause of bankruptcy in the U.S. All these social pressures, plus the myriad personal challenges people face from day to day, make it a struggle just to maintain a basic level of health and financial security.

A recent public opinion poll conducted by Vera Action, a justice reform organization, showed that nearly three-quarters of the 3,876 voters surveyed define “safe communities” as those that invest in good jobs, schools, housing, health care and infrastructure, rather than in more police, jails and prisons. Recognizing the causal connection between lack of physical wellness and crime, we can see that most crimes are acts of need or perceived need, so a top social priority must be ensuring that everyone’s basic human needs are met. We need to shift funds from corrections and policing to social supports that meet basic needs, including reliable public transportation and internet access. Imagine the social and economic benefits Maine would realize were we to spend even some of the \$55,000 to \$74,000 cost of incarcerating one person for one year on support for a family in need instead?

- *Invest in jobs.* Mandate a living wage for all. Maine’s minimum wage is \$13.80/hour, while a living wage for a single adult with no children is estimated at \$17.88/hour.
- *Invest in housing.* Approximately 25,000 people are currently on a wait list in Maine for Section 8 housing vouchers. It should not be so hard for people to secure housing! According to a recent report by the ACLU of Maine (“A Better Path for Maine: The case for decriminalizing drugs”), it costs more than twice as much to incarcerate someone in state prison than it would cost to provide them with “housing, weekly counseling, and medication-assisted treatment for a year at current MaineCare reimbursement rates.”
- *Invest in health care.* Universal health care — c’mon, already!
- *Build a mental health response network.* The U.S. has some of the world’s highest rates of suicide, depression and anxiety, but fewer mental health practitioners per capita than other industrialized countries. Canada, Switzerland and Australia have *twice* as many mental health professionals per 100,000 people as the U.S. has. To correct this deficit, we need to redirect funding from police to care workers, mental health responders, and drug counseling and treatment professionals.
- *Expand free access to substance-use-disorder treatment programs.* According to that ACLU report, “Between 2014 and 2019, inflation-adjusted spending on substance use treatment through the MaineCare system increased 2 percent. However, over the same period, state and local spending on corrections increased 13 percent, while spending on police enforcement increased 14 percent.” And according to the Maine Recovery Advocacy Project, Maine currently has just two detox centers, with a total of only 20 beds, available to people who are uninsured.

The vast majority of incarcerated mothers in Maine are sentenced for drug infractions. Due to the length of their sentences, many lose custody of their children while behind bars, unnecessarily causing trauma to both parent and child. Making affordable drug treatment, as an alternative to incarceration, available to everyone will keep families together, and it’s a vastly more effective response to the crisis of substance abuse than prison cells or probation officers.

- *Invest in transportation infrastructure and services.* Limited or complete

lack of access to transportation severely impacts people's lives. Maine cities once had affordable and efficient public trolley and rail networks, but investment in public transportation withered last century as lobbyists for car and fossil-fuel companies pushed for policies that encouraged sprawl and individual vehicle ownership. There is an absurdly long list of traffic violations for which police can pull over vehicles to conduct searches, and traffic stops have become an engine of incarceration. Let's reverse that trend.

- *Transform foster care.* Too often, children are either left in homes when they should be removed, or removed when they should be left at home and supported there, instead. When children are neglected or abused, the cause is typically a mental health problem or unaddressed trauma in the life of the person causing them harm. There are some situations in which children are legitimately at risk and must be removed from a home for their own safety, but such separations should not be mandated. Maine needs to explore and adopt what's called a "mandated supporting model," which keeps children with their families while providing meaningful services and resources to struggling caregivers. We should also develop a risk/needs assessment that takes into account the racial bias that speeds the removal of children from BIPOC and impoverished families. For cases in which the lack of resources to support a child is due to a lack of access to education, training, transportation or employment, there needs to be support provided to meet these basic needs, not punishments and mandates demanding the caregiver attain things beyond their grasp.



Artwork inside Maine State Prison, photo/Trent Bell, courtesy Freedom & Captivity

**Decriminalize People and Demilitarize Systems.** As of 2017, the number of Mainers in jail had increased by 649 percent since 1970, and the prison population had increased 151 percent since 1983. Politicians promoted mass

incarceration as essential to protect communities from violence, but much of the steep rise in incarceration is due to new or tougher laws against drug possession or sale, not violence, as well as new statutes criminalizing non-violent actions and behaviors that were previously outside the purview of the courts. Although Maine's prison population is currently decreasing, this follows the period between 2012 and 2018 when prison admissions in Maine shot up by 34 percent. The increased criminalization of addiction, poverty and homelessness has happened while investments in policing and corrections have been rising at a significantly higher rate than funding for subsidized housing, drug counseling and treatment, health care and other social programs. Contrary to the political rhetoric of a citizenry under siege, the vast majority of emergency calls to the police are for situations unrelated to crime, physical harm or violence, and thus should be handled by professionals with expertise in mental health crises, substance-use disorder and social work. Given the relatively low crime rate in Maine, this shift in focus and resourcing is more than feasible.

- *Decriminalize drugs.* From 1980 to 2015, the number of women in Maine jails increased 1,981 percent and the number in state prison by 794 percent. The dramatic rise in the number of women behind bars is primarily due to drug laws; Maine's DOC reports that 72 percent of women in their prison are convicted of drug-related charges. Class A drug arrests doubled between 2008 and 2018, and in 2021, almost 40 percent of all people entering prison were convicted of furnishing, possessing or illegally importing drugs. According to the ACLU report, Maine spends \$111 million every year to arrest, detain and sentence people who use drugs. The report states: "Maine's law enforcement spends \$8,427 alone for each drug-related arrest. This amount could cover seven months of rent in Cumberland County, two-thirds of the cost of educating a public school student for a whole year, or four months of intensive outpatient treatment for someone on MaineCare." Instead of incarcerating people who use drugs, Maine needs to make drug counseling and medication-assisted treatment widely available and easily accessible.
- *Decriminalize sex work and homelessness.* In both cases, the people being punished are often victims of crime and harm. Rather than criminalizing survival behaviors, Maine needs to provide supports and protections against sexual and financial exploitation – without using this as a way to expand reasons to jail people.
- *Decriminalize undocumented status* (and end aggressive immigration enforcement in Maine) so families with a mix of members with and without papers don't live in fear and can benefit from the social services that are funded with their tax dollars, but which they are not allowed to access.
- *Prioritize alternatives to incarceration.* Nationwide, only 10 to 15 percent of court cases go to trial; the rest are decided through a plea deal. We need to change the presumption that such deals must involve some amount of incarceration and instead prioritize alternatives, caging people only as a last resort, when absolutely necessary for public safety.
- *Demilitarize the police* and transform police culture from the inside out. Across the U.S., \$7 billion' worth of decommissioned military equipment has been transferred to local police departments, including forces here in



in Maine. Maine has the highest rate of fatal police shootings in New England. All police shootings since 1990 (over 170 in all) have been deemed justified by Maine's Attorneys General.

- *Fund and construct non-police crisis response systems* for people facing mental health challenges so law enforcement does not have to become involved in medical emergencies.
- *Revise the Maine Criminal Code* to remove mandatory minimums, "truth in sentencing" laws and sentencing enhancements that keep people locked up for far too long. The American Bar Association states that sentences exceeding 10 years do not deter crime and do more harm than good. Almost a quarter of the people in Maine's prisons are serving sentences longer than a decade. There are some 1,100 statutes on the books in Maine that carry minimum sentences or fines, all of which should be reviewed, reduced and/or repealed.
- *Build an effective public defender system.* Maine is the only state in the U.S. without one, relying instead on unregulated and unsupervised court-appointed attorneys to represent poor people accused of crimes. As the *Portland Press Herald* reported last August, half of the 23,655 open cases in Maine were assigned to just 33 lawyers. *Eleven of these lawyers have more than 301 open cases each.* There are only 163 lawyers in Maine accepting new cases from the courts. Maine is failing to meet our constitutional obligations to ensure defendants receive adequate legal counsel.
- *Eliminate cash bail.* Limit the kinds of offenses that require pre-trial incarceration and establish the presumption of pre-trial release. A 2019 Maine Law Review article calls Maine's bail system "antiquated, problematic, and arguably unconstitutional." Cash bail has already been eliminated for the most minor crimes, like littering, but with 40,000 people cycling through jail every year because they cannot afford bail, more needs to be done. In 2014, 70 percent of the people in Maine's jails were there awaiting their day in court.
- *Reform probation policies* to ensure minor violations do not result in reincarceration. As previously noted, in recent years close to half of all prison admissions were for probation revocations.

**Build community-based safety and responses to harm.** Much of the language about abolition and transformative justice looks to the community to address harms. These days, we live in a society, but society is not the same as community; it's the difference between people living with each other, not just beside one another. We have to rebuild our sense of neighborly solidarity, reverse the onslaught of new laws that cage our neighbors, and develop practices to both support people who have been harmed and hold those who have caused harm accountable. Our approach must be restorative, not punitive.

A recent report from the Alliance for Justice and Safety, titled "Crime Survivors Speak," reveals that those who have experienced violent harm are not healed when the person who hurt them is sent to prison. Instead, they want a justice system that centers their need for healing, effectively addresses what caused the harm in the first place, and relies on community-based interventions, rather than incarceration, to ensure the person who

caused the harm does not harm them or others again. Maine is a small-town state, so reestablishing community here is well within our reach.



Artwork by Steve [surname redacted], photo/John Ripton, courtesy Freedom & Captivity

- *Research the factors that drive contact with the criminal legal system and incarceration.* Mainers need to know how our law enforcement, courts, sentencing and corrections institutions are working. District attorneys should build data dashboards to report on arrests and decisions about diversion, prosecution and sentencing. Maine's colleges and universities, as well as citizen groups, can offer analysis of this data and engage the public in constructive discussion about current practices.
- *Create individual and community/neighborhood safety plans.* Interpersonal harm happens; it is part of the human experience. Safety is a basic human need, and we all have roles to play in keeping ourselves and others safe. Each of us has the ability to create a safety plan to respond to interpersonal harm without involving the police. And, while situations involving domestic and sexual violence are more sensitive and complex, models exist for survivors and supporters to promote safety while taking account of power disparities and marginalization. "Where there is no guidance, a people falls, but in an abundance of counselors there is safety." (Proverbs 11:14)
- *Form community-building circles* throughout the state via community-based restorative justice organizations. These circles strengthen interpersonal bonds by bolstering our sense of collective responsibility and belonging, making harm and crime less likely.
- *Develop an effective response to domestic violence and sexual abuse.* Most people experiencing intimate partner violence do not call the police due to fear of retaliation, abuse from the police and the criminal legal system, fear, shame, and/or financial or housing insecurity if their abuser

goes to jail. The carceral responses to domestic violence promoted since the 1970s are not working; we are not incarcerating our way out of appalling levels of domestic violence and sexual abuse. We need to develop new approaches that involve much more robust ways to keep those being harmed safe through housing, financial support and trauma-informed interventions, while also finding new ways to interrupt the behavior of those causing harm through effective transformative justice and accountability interventions.

- *Build the capacity of organizations to support Restorative Justice Conferencing.* Restorative Justice Conferencing guides harmed people and the people who harmed them through a process of meaningful accountability and repair. The person who caused harm is required to take responsibility for their actions and seek to repair that harm as much as possible. The person harmed attains a better understanding of why the harm happened and is supported in their healing journey. A reparative agreement is created and a monitor assigned to remind the person who caused the harm of the obligation they created and to support them in completing the agreement.
- *Create restorative options for addressing harm that are not restricted to victim-offender conferencing.* A leading prosecutor and founder of Fair and Just Prosecution writes that there are four models of how to implement restorative options in the wake of interpersonal harm: 1. Pre-charge diversion through community courts; 2. Restorative justice responses to violence and serious crimes; 3. Court-embedded restorative justice; and 4. In-house prosecutorial restorative justice. Each approach is designed to center both accountability and healing. Avenues of true accountability succeed where incarceration continues to fail: they lead to a reduction in recidivism, increased victim satisfaction, and avoidance of familial and community harm resulting from incarceration.
- *Build a transformative justice alternative to incarceration that centers the healing and recovery of victims of violence, modeled on Common Justice in New York and the Alliance for Safety and Justice.*
- *Elect and support DAs who are committed to restorative justice and diversion pathways to harm reduction.* Reach out to your local DA to let them know you support those alternatives.
- *Enact sane gun laws.* A primary reason crime rates in the U.S. are so much higher than those in other countries is easy access to guns. To start: raise the minimum age to purchase guns and ban assault rifles without criminalizing and incarcerating those in possession of the weapons. Confiscate and dispose of the weapons without disposing of the people who have them.
- *Promote public outreach efforts to explain and grow visions about justice, repair, community accountability and transformative justice possibilities.* Maine Inside Out, Freedom & Captivity, Transform Harm, FAMM, Project NIA, Critical Resistance, Fair and Just Prosecution, It's Time to Listen, and Justice Radio are examples.
- *Create community "hubs" for cross-race and -class conversations to facilitate dialogue and reflexive self-growth.* (Examples are the Maine Humanities Council book discussion groups and the programs offered by Wabanaki REACH, Indigo Arts Alliance, and Atlantic Black Box).

- Launch a Truth Telling initiative for police violence and racist injustices, following the example of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission, to create an accurate history that takes account of institutionalized and systemic historic harms.
- Open opportunities for storytelling about personal experiences with harm, incarceration, accountability and repair so we can listen to each other and learn from each other's experiences.
- Recognize tribal sovereignty. A recent report details the enduring and profound economic damage to Maine's Wabanaki communities caused by the restrictions on self-government included in the 1980 land claims settlement agreement. Although the Maine legislature voted to repeal the restrictions last year, Gov. Janet Mills refused to sign the bill into law.



Artwork by Donald [surname redacted], photo/John Ripton, courtesy Freedom & Captivity

**Confront growing wealth inequality.** As many Mainers are acutely aware, we live in a time of extreme wealth and income inequality, and the gap between the haves and have-nots is growing. That's important to this discussion because higher inequality within a society is positively correlated with higher rates of violent crime. Today, 10 percent of U.S. households hold 76 percent of all national wealth. As of late 2021, the top 1 percent of U.S. residents held more wealth (\$45.9 trillion) than the middle 60 percent of the population (\$35.7 trillion).

In Maine, the wealthiest 5 percent of households earn 10.7 times as much, on average, as the bottom 20 percent of households, and more than four times as much as the middle 20 percent. Thirteen percent of Mainers live under the poverty line, and the percentage of very young children living in poverty is as high as 37 percent in Aroostook County. We need to confront this obscene inequality to create a more just society. Children shouldn't continue to wonder where their next meal is going to come from because we refuse to reckon with the disparities that lie at the heart of our economy.

- *Revise the tax code.* The contemporary wealth gap is unprecedented in this country and largely due to inherited wealth and low tax rates on corporate assets and capital gains. This is a ridiculous and perpetually

harmful way to run an economy, but it can easily be addressed by raising tax rates on those most able to afford it, repealing tax giveaways for corporations and the rich, and imposing targeted new taxes like a levy on stock transactions.

- *Reduce corporate control of real estate*, impose rent control, and invest in housing for poor and middle-income families.
- *Support alternative forms of ownership* by supporting community-based land trusts, cooperatively owned agricultural and residential property, and alternative economic networks (time banks, cooperative finance, etc).
- *Rethink public financing*. Transform the systems and entities we run a deficit to pay for. Every year, Congress allocates more money than requested by the military, while refusing to fund education, housing, health care, child care and other reparative public goods at necessary and life-sustaining levels. Mainers can fight to reverse these misguided national spending priorities.

If we are going to begin the long, dedicated process of starving the carceral system out of existence in Maine, we can start right now by focusing our efforts on investing in our youth, investing in families and communities, decriminalizing people and demilitarizing systems, building community-based safety and responses to harm, and reversing growing wealth inequality. Rather than say, “tear it all down and figure it out from there,” we are taking an approach to decarceration and abolition that focuses energies on building restorative avenues of meaningful accountability, repair and healing. If we are going to build safety into Maine’s communities, we need to build community first.

Now that you’ve read the first part of this Pathway, take a moment to process this information. Then scan back over the headings and bullet points. What stands out to you as a feasible point of entry? Where do you see yourself in this leg of the journey? What can you do from where you are, with what you have, to help Maine take a step toward a more safe and healthy future? Who do you know that could help you take that step? Call them right now!



## TOWARD A CAGE-FREE MAINE: PART TWO, MIDDLE



*A poster inside Maine State Prison. photo/Trent Bell, courtesy Freedom & Captivity*

“Transformation in the world happens when people are healed and start investing in other people.” – Michael W. Smith

Prisons don't work. They don't make communities safer, they don't solve social problems, they don't effectively address mental health challenges, poverty or substance-use disorder, and they don't stop violence. Instead, they compound these problems.

One reason prisons don't work is because of their origin. Take a minute to Google the question “does prison have its roots in slavery?” and you'll quickly find that today's sprawling prison system served as a means to extend the practice of slavery in the wake of its partial abolishment by the 13th Amendment, passed in 1865. Slavery through imprisonment is still Constitutionally legal due to the “Exception Clause” to that amendment: slavery shall be abolished “except as a punishment for a crime.”

What does this have to do with Maine? As much as we might like to ignore or deny this truth, Maine has a long history of supporting and profiting from the transatlantic slave trade. Through the Missouri Compromise of 1820, Maine became a state – one where slavery was illegal – in exchange for Congress allowing Missouri, a state where slavery was legal, to also join the union, so as to maintain a balance of slave and non-slave states. The Atlantic Black Box

project shows how Maine's economic growth depended on the slave trade, and Samuel James' "99 Years" podcast forces Mainers to face the ways political and business leaders enacted policies and laws to ensure Maine remained a majority-white state to this day. Incarceration extends and augments these historical trends.

Today, Maine has six state prisons in addition to 13 jails in 16 counties. As of last December, there were 1,654 people in Maine prisons: 1,506 men and 148 women, including 89 people on the Supervised Community Confinement Program (SCCP). More than 5,400 Mainers are on probation or parole (that is, 10 people still living under the since-abolished parole system that we seek to re-establish).

The racial disparity in Maine prisons is among the worst in the nation — Black Mainers are incarcerated at a rate over nine times that of whites, based on each group's share of our population, according to The Sentencing Project. This is not the fault of the Maine Department of Corrections (DOC), which is working to enact substantial changes within Maine's prison system. But this reform effort must struggle against a toxic culture founded in an institution designed to subjugate marginalized peoples.

We appreciate the dogged determination of current Corrections staff and leadership to change that culture. The Maine Model of Corrections has rightfully been gaining national attention. From its Language Matters initiative and efforts to implement restorative-justice practices, to its adoption of Norway's "principle of normality," DOC leadership is aiming to create a prison environment that is safer, as well as more humane and professional, for residents and staff.

Changing a culture takes time, energy, effort, collaboration, and then, yet more time. It's complex work that proceeds in fits and starts. But there are steps that can be taken today within prisons and jails to turn them into spaces of healing and rehabilitation, rather than punishment and harm — steps that can eventually lead us toward decarceration and, ultimately, abolition.

In last month's issue of The Bollard we presented steps that can be taken to achieve real public safety BEFORE incarceration occurs. This month we present the MIDDLE part of this three-part series, addressing life behind bars. In next month's issue, we'll present steps that can be taken AFTER incarceration to keep our communities truly safe.

## **MIDDLE**

Build a restorative culture inside. Prison culture is characterized by suspicion, distrust and constant surveillance. In the name of "safety, security, and the orderly management of the facility," everyone who steps inside this system is immediately warned that manipulation, exploitation and unprovoked violence are ever-present threats. The harmful practices of prison culture — separation, dehumanization, othering — are deeply entrenched. Thankfully, here in Maine, the shift toward uplifting the inherent dignity and worth of each human being in the system (staff, residents and

administrators) has begun.

Prisons are traumatizing places both for those who live there and those who work there. Most residents arrive at prison already deeply traumatized. Many staff members come to work at prisons following stints in the military or law enforcement that leave traumatic memories. Incarcerated people and staff alike need opportunities to engage in meaningful trauma-healing work, which are woefully lacking at present.

There are cognitive-behavioral classes, parenting and emotional-literacy classes, recovery-oriented programs and trainings, as well as numerous and growing educational opportunities within Maine's carceral system. But without sufficient opportunity to address and heal trauma, education won't be enough to ensure success inside or after prison. There is still a deep concern that sensitive information people reveal about themselves in programs will be used to harm them outside of those spaces. That aspect of prison culture also needs to change.

- *Expand trauma-healing programs for residents.* The only two programs Leo has seen inside that explicitly address trauma and its impact on people's lives, behavior and decisions are Houses of Healing and Jericho Circle. With the growing acknowledgment that men suffer from trauma, in addition to the impact of living in a culture that conditions men to suppress any non-masculine emotion, there needs to be an expansion of trauma-informed, healing-centered programming.
- *Implement trauma-healing programs for staff.* Staff need a space to engage in trauma-healing work, especially those who've labored on the inside for years. We need staff champions who understand the need to address the dehumanization and alienation caused by working within this harmful system. Opportunities for staff to connect with and support one another should also be expanded.
- *Implement restorative, community-building circles.* Intentional spaces need to be created where staff, residents and administrators come together to engage in true dialogue. Circle practice predates every Western custom we have. It's a ready-made way to build community, one that brings people together by deemphasizing positional power, which otherwise divides us. Two main social hierarchies exist within carceral spaces: hierarchy of crimes and hierarchy of positional power. Leo has developed a framework for circle sessions that can be adjusted and implemented in nearly any hierarchical institution (including schools and corporations).
- *Establish generative dialogue circles.* Beyond building a sense of community, the power of circle practice can be extended into action through what are called generative dialogue circles, by which the process informs new policies and restorative practices.
- *Implement restorative conferencing on the inside.* The DOC has been expanding its capacity to offer Victim/Offender Dialogue conferencing, which is laudable. But there also needs to be restorative conferencing among those on the inside. With the understanding that punishment is a passive process that does not meaningfully change behavior, accountability must take priority. In collaboration with the Restorative

Institute of Maine, the Maine State Prison Restorative Practices Steering Committee developed a 20-week restorative and transformative justice course. This peer-led course provides a firm foundation for the implementation of circle practice, the adoption of a restorative mindset, and a reframing of discipline that highlights the difference between punishment and accountability, showing how people can be held responsible for the harm they cause in a way that facilitates healing, instead of causing more harm. This curriculum should be implemented in jails and prisons throughout the state as an officially recognized certification course for staff, residents and administrators.

- *Build a team of RJ practitioners to address harm.* Train staff and residents in restorative justice practices and processes, ultimately building a robust team of RJ practitioners to hold community-building circles and support RJ conferencing processes on the inside. Once up and running, the RJ team could take the place of the disciplinary “board” (currently one person, who is judge and jury in such matters), making decisions about responses to harm that promote accountability and repair over punishment (e.g., removing from residents’ records any disciplinary write-up not related to interpersonal harm). As appropriate, each RJ process would be co-facilitated by an incarcerated and non-incarcerated person.
- *Support creative staff-resident collaborations.* Although this is already part of the DOC’s Maine Model of Corrections, overcoming the antagonistic foundation of staff-resident relationships is integral to shifting prison culture to a more restorative one. In practice, this looks like collaborations to create programs, envision and lead new initiatives, and team up to figure out ways to make everyone’s day-to-day lives and work shifts better. Also, nothing brings people together quite like food! Arts, cultural, educational and sporting events open to residents, staff and administrators can be planned to include a communal meal.
- *Expand the “principle of normality” throughout facilities.* The “principle of normality” that guides Norway’s Correctional Service is described by its Deputy Director General of Corrections as one by which “No one shall serve their sentence under stricter circumstances than necessary for the security in the community, and offenders shall be placed in the lowest possible security regime. During the serving of a sentence, life inside should resemble life outside as much as possible.” The seeds of this idea have been planted in the Earned Living Unit of Maine State Prison and the Normalization Unit in Maine Correctional Center. This model should grow to include every carceral unit to the greatest extent possible without legitimately compromising security and safety. Even where higher security is warranted, decency, compassion and respect need to be the norm for all interpersonal engagement. When it comes to behaviors and expectations, rules should be based on these questions: Is the behavior normal in outside communities, and is it harmful? If the behavior is normal and harmless, there should be no punitive consequences.
- *Allow residents to personalize their living quarters.* People take better care of places into which they have invested time and energy. When incarcerated people are allowed to personalize their living area — by painting, decorating or displaying pictures and artwork — they’re more likely to take care of their space. Encouraging residents to perform

regular upkeep of their living quarters would also take pressure off staff and residents every three years, when the American Correctional Association inspectors come around.

- *Demilitarize staff uniforms.* The majority of incarcerated people have endured trauma related to police. Militaristic uniforms are triggering. Carceral institutions should get rid of paramilitary garb and replace it with polos and khakis, or something similar, to reduce interpersonal tensions.
- *Base Corrections Officer training on supportive, rather than militaristic, techniques.* Norway's correctional system also employs what are called Contact Officers, CO's trained to maintain safety by establishing rapport and trust with residents. Like guidance counselors in schools, Contact Officers help residents get the resources, information and connections they need to succeed during and after incarceration. The DOC already has a head start moving toward this model, and further progress is strongly encouraged.
- *Encourage the universal use of first names.* Stripping someone of their first name is one of the innumerable ways the prison system dehumanizes people. Using first names can afford everyone opportunities to reaffirm their humanity and personhood in ways that are otherwise denied to all.
- *Establish a process for residents to decide how the Resident Benefit Fund is spent.* Every DOC facility and county jail has a Resident Benefit Fund generated from the fees charged for phone calls and commissary purchases, disciplinary charge fees, and transaction fees applied when supporters deposit money electronically into residents' accounts. This fund should be spent according to what the residents determine will be most beneficial to them. This has been happening to some degree at Maine State Prison, through the Resident Advisory Council and the openness of administrators to solicit proposals by residents. The fund should also pay for care packages for everyone entering these facilities: decent hygiene products and toiletries, food, coffee or tea, shoes and shower shoes. Talk to a longtimer and they'll tell you this was common practice "at the old joint." Not everything old is bad. Bring this practice back throughout Maine's jails and prisons.



A mural inside Maine State Prison. photo/Trent Bell, courtesy Freedom & Captivity



**Normalize professional development.** People who come to prison are not incapable of becoming professionals. Through our respective journeys, we have learned that many incarcerated people lived full lives and held multiple careers before ever stepping inside a cell. Their potential for future success is incredible, yet largely unrealized. Instead, the expectation is that residents want to distract themselves from reality: watch TV, play video games or cards, work menial jobs, read as many sci-fi and fantasy novels as possible — anything to pass, or waste, time. The carceral system is designed to cultivate prisoners' lethargy, to sap their motivation for personal growth.

The DOC is invested in changing this, but efforts need to be expanded to include professional training, pathways to certification and licensure, and opportunities for networking and development in preparation for release.

- *Initiate or expand formalized peer-mentorship training.* Everyone needs mentorship at some point in their life. Within carceral spaces, mentorship occurs naturally and spontaneously, though it may not always be welcome or supported. Maine State Prison currently runs a certified intentional peer-support training for residents that could form the basis of a hugely beneficial infrastructure of formalized mentorship. Staff should also be offered this training and compensated for completing it, further facilitating the shift toward the aforementioned Contact Officer model from Norway that's proven transformative for the security of that country's correctional system.
- *Shift policy to allow peer crisis intervention.* Self-injurious behavior, including suicide attempts, is prevalent in carceral systems. Who is better able to support and intervene in crisis situations among our peers than fellow residents? Rather than relying on force or the power of carceral authority, incarcerated people should be trained to de-escalate situations that have not yet turned violent.
- *Initiate or expand professional training opportunities.* A determined prisoner can work their way through all of the professional-development programming available to them within the first two years of their incarceration. After that, opportunities to gain professional certification must be made available. Maine State Prison currently offers opportunities for professional certification in the fields of intentional peer support, master gardening, beekeeping, construction, and ServSafe food service. We call for the expansion of these opportunities into other fields, as well. A few basic construction courses are being taught at Maine State Prison through the National Center for Construction Education and Research, but NCCER offers over 80 programs, so there's plenty of opportunity to expand this initiative. Likewise, the collaboration with Habitat for Humanity could be expanded, and other vocational programs could be implemented or improved, such as welding, barbering and hairdressing, auto repair, and cabinet/furniture-making. Good work is already being done through the prison's Industries program and Sunday cabinet-making classes. But if we are going to help meet the pressing and unprecedented demand for tradespeople on the outside, there is no better time than now to grow these universally beneficial programs.
- *Allow incarcerated people to become Vocational Training Instructors (VTI's).* Roughly 30 percent of Maine's prison population is serving .

sentences longer than 10 years. After completing certification courses early on in such sentences, these residents should have the chance to become Vocational Training Instructors (VTI's) and be allowed to help others. Training skills will be useful upon their release, and until then, teaching others a trade helps longtimers develop a greater sense of meaning and purpose to sustain them during their incarceration. This will improve security inside institutions and reduce recidivism. To help further reduce recidivism, incarcerated VTI's should also be paid free-world wages.

- *Open opportunities for residents to work for outside organizations.* Facilities with internet capability should have a framework for residents to be able to work remotely for any business or organization willing to hire them. They should be paid fair wages, with only court-mandated fines, fees, restitution or victim compensation withheld. These opportunities build agency and responsibility into the carceral system so people can pay taxes and care for their families while also making a dent in their financial obligations (currently not possible given the menial wages workers inside are paid). This should also extend to career opportunities for incarcerated people to work outside through contracts, consulting, teaching, social work, counseling, etc. If people are going to successfully re-enter society, there needs to be interaction with the outside world before that time comes. Employment outside, at fair wages, is one meaningful way to support safe re-entry.
- *Expand access to higher education inside.* All incarcerated people should have access to higher education. No Maine taxpayer money has paid for college education on the inside. Instead, funding has come from private philanthropy, like the amazing Doris Buffett and her Sunshine Lady Foundation, or from federal sources, like Second Chance Pell, and soon the fully reinstated Pell Grant program. One of the strongest factors in reducing recidivism is increasing education level. In Maine, less than 1 percent of those residents who attended college while incarcerated re-offended after release. Between a fifth and a third of all adults in DOC facilities have not completed high school! We need to invest state funds in education programs inside prisons and jails, including vocational, skills-based, liberal arts, STEM, IT, paralegal, and health care courses, so every incarcerated person has access to a better future.

**Enhance community and family connections.** One of our most basic human needs is belonging. We need to feel connected to the people around us. We feel this in our neighborhoods, in our schools, in our workplaces, and we feel this need in our prisons.

- *Build inside-out connections.* There are many ways to build connections between people on the inside and those outside: integrated college courses, inside-out reading and discussion groups, mentoring, professional development programs, public speaking engagements and community discussions. We are only limited by our imagination and our courage when it comes to creating these connections. Any outside community member can contact the head of a prison or jail to volunteer to lead any of these initiatives.
- *Change the narrative about incarcerated people.* The prevailing narrative

concerning incarcerated people needs to change. Rather than revel in the idea that offenders are “rotting” in jail or prison, we must recognize that many incarcerated people have a great deal to offer our communities. Those who have created the greatest interpersonal harms are often the most committed and passionate about fostering healing in the same place they caused harm. Stories of individuals striving to be better, to do better, to serve more — these are the stories that need to be told.

- *Expand victim-offender dialogue (VOD).* When people cause harm, they should be held accountable to the people they harmed. It should be their responsibility to repair the harm they caused. The current system does not allow for that. VOD is currently the only restorative justice option available in the adult criminal legal system after a person has been sentenced, and it can only be initiated by victims. VOD should be expanded so an incarcerated person is able to reach out to the Victim Services Department to take responsibility for what they did and request the initiation of a VOD process.
- *Create surrogate avenues for VOD.* Traditional VOD is not always safe or appropriate between the actual parties involved. We need avenues for surrogate victims and offenders that achieve at least partial healing. This would require creation of a voluntary database of people who have been the victims and offenders of specific crimes. People who are ready to take accountability for the harms they caused can be paired with those harmed in similar ways. Conversely, surrogate harm-doers can stand in and answer the questions of victims of similar harm.
- *Fully revamp visitation.* When a person is sentenced to jail or prison, there's generally no consideration given to the impact on their family. Visitation needs to address this familial burden. Families should not suffer due to a relative's incarceration. Visitors should be allowed to bring food, to sit down in a comfortable place and eat and enjoy being with their incarcerated loved one. In acknowledgment of the considerable distance many visitors need to travel, visitation should be allowed for multiple hours, with unrestricted access to restrooms for visitors and residents. Residents should also be able to purchase toys, games and books for a designated children's area, where kids can play with other kids during visitation periods.
- *Make conjugal visits available.* Incarceration wreaks havoc on marriages and other romantic relationships. Within the confines of jails and prisons, there is absolutely no expectation of privacy. The very idea of engaging in an intimate conversation with the person you love evokes fear when a total stranger is within earshot at all times. How can a loving relationship thrive without intimacy? Conjugal visits are necessary. There must be visitation spaces that support privacy, intimacy and romance if loving relationships and intact families — so crucial to rehabilitation and re-entry — are to have any chance of surviving incarceration.
- *Set up educational parenting visits.* Parents don't stop being parents when they're put behind bars. The yearning to teach, comfort and guide our children does not end. Jails and prisons should provide space, materials and time for parents of all genders to help raise their children in person, and when in-person contact isn't feasible, technology can help (e.g., parent-teacher video conferences and parent-child video chats).
- *Implement a restorative conference-type process with family members.*

The VOD model can also be adjusted to provide a restorative-conference process between an incarcerated person and their family. Research in Maryland and Massachusetts, where such processes have been introduced, shows that even one session of this type can reduce recidivism rates by 6 percent, with additional conferences resulting in reductions of similar magnitude.

- *Make phone calls free.* The DOC has significantly reduced the cost of phone calls over the past several years. They removed connection surcharges and reduced the rate from 33 cents per minute to 9 cents. But, as was shown during the last session of Maine's Legislature, the rates are still high – often prohibitively so – in county jails throughout the state. Families are burdened with a host of extra expenses when a member is put behind bars; remaining connected to their loved one should not be another hardship.
- *Make video visits free.* A major concern that also came up last session was the lack of regulation of the pricing of video visits. This failure has allowed the duopoly of Global Tel Link and Securus Technologies to charge exorbitant fees for video visits elsewhere (e.g., a 20-minute video call costs \$5.95). A recently passed federal law gives the government new authority to cap these rates. But in the future, all communications across the walls must be free of charge. Since we know community safety comes through community-building, we need to dismantle all obstacles that prevent these crucial connections.
- *Grant all residents access to e-mail.* We live in the digital age, but communication opportunities in carceral facilities have not kept up with the times. The technological infrastructure in Maine's prisons and jails needs to be upgraded and expanded to grant e-mail access to all residents for personal, professional and educational purposes.
- *Open mentoring opportunities between adult and juvenile facilities.* A deeply painful experience for older incarcerated people is seeing young people enter the system. They recognize the unhealed trauma and lack of support suffered by these juveniles and see opportunities to give guidance. They should be allowed to provide this help.
- *Support full civic engagement as Maine citizens.* Maine is one of two states that allow incarcerated people to vote, but we can do much more to keep prisoners civically engaged. Jails and prisons should open opportunities for residents to testify at state and local legislative hearings and otherwise provide input informing public-policy decisions. Civic engagement has also been shown to reduce recidivism.
- *Open public institutions to the public.* The DOC has also made good strides opening prisons to the public, but more can and should be done, especially in county jails. This can take the form of more arts and cultural presentations, educational and professional workshops, and participation by outside groups in meetings held inside.
- *Bring back regular furloughs.* Under Maine statute, the DOC's commissioner can furlough residents who have served at least half of their sentence. At the expert discretion of DOC Commissioner Randall Liberty, and in tandem with efforts to enhance connections between residents and those outside, this freedom should be granted more often. People who are deeply connected to their families and communities are extremely unlikely to cause harm to their loved ones or neighbors.

- Allow incarcerated people to teach across the walls. Given the growing number of college-educated incarcerated people, opportunities should be created to allow them to teach and facilitate classes, programs and community discussions with outside participants about relevant topics, such as restorative, transitional and transformative justice, trauma and its healing, personal development and emotional literacy, and creative expression. With DOC support, we successfully co-taught a college course last year, we're collaborating on the Freedom and Captivity Curriculum Project, and we contributed to the Transitional Justice Course that Leo coordinated last fall. Building community bridges across the walls through co-learning is remarkably effective for those on both sides.



Stuffed crochet animals by residents of the Maine Correctional Center in Windham (from left): Shawna [surnames redacted], Katrina and Savannah. photo/Lesley MacVane.

**Support healthy living.** Chronic illness is a byproduct of incarceration. Among other common maladies, arthritis, asthma, cancer, diabetes, heart disease, hepatitis C, high blood pressure, and strokes are prevalent. In addition to physical health issues, mental illnesses (diagnoses and otherwise) are at epidemic levels in carceral spaces. The most common of these include anxiety, depression, substance-use disorder and bipolar disorder. As of last December, 985 out of 1,654 incarcerated residents were prescribed psych meds!

- *Improve medical and mental health services inside.* Receiving proper medical or mental health care in carceral spaces has been an ongoing struggle. Jails and prisons tend to be built in remote areas, making it extremely difficult to recruit qualified (let alone sought-after) medical professionals. This leads to chronic understaffing, which causes unnecessary suffering and serious risks to residents' long-term health. Medical and mental health care on the inside needs to be strengthened, and these services need to be more transparent and more responsive. If the medical providers currently under contract to provide care are unable to adequately meet the challenges, residents should have the option to receive care from other vendors.
- *Restructure treatment of substance-use disorder.* Although it's controversial, medication-assisted treatment (MAT) for opioid addiction has proven to be effective in lowering overdose-related deaths in jails



and prisons (and among the general public). The DOC has been praised for its rollout of MAT throughout its facilities, which has reduced overdoses inside prison and post-release. And yet concerns remain that MAT on its own fails to treat the underlying problems that cause addiction. More effective and intensive drug and alcohol counseling paired with MAT would help.

- *Introduce more healthful food.* From the time he was Warden at Maine State Prison, DOC Commissioner Liberty has rightly been commended for his efforts to introduce more healthful foods in carceral kitchens. The introduction of the Master Gardener program, and now the Master Food Preserver course, has been instrumental in increasing the amount and variety of produce cultivated on prison properties. There's still plenty of opportunity to expand the prison program and extend it to county jails, and efforts to make healthier options available for sale at the prison canteen should also continue.
- *Bring back the real care package system.* Once upon a time, families with incarcerated loved ones were able to bring them home-cooked meals, baked goods and fresh fruit. That's no longer the case. We're not asking for the chance to bake a metal file into a cake! Rather, with the expansion of grocery-delivery services, it's now easy for families to place an order at a local grocery store and have healthy food delivered to a jail or prison. The rules should be updated to make such deliveries acceptable and commonplace.
- *Install actual stoves.* One of the valued amenities of Maine State Prison's Earned Living Unit is the stove upon which residents can cook the food they grow. Making stoves widely available, and providing more opportunities for residents to learn how to cook (and teach others the same), will make residents healthier, more self-sufficient, and give them skills they can use on the outside.

**Move toward decarceration.** As we have emphasized, the DOC is doing a lot of things right. But we also have to face the fact that prisons have become holding tanks for a carceral system that's been out of control since the 1970s, when the number of people sent to prison, as well as the length of sentences, began to explode. Empirical evidence now shows that long prison sentences do not deter crime, but do cause enormous social harm, cost taxpayers millions of dollars, and have no positive impact on community safety. A restorative pathway to decarceration and abolition must include measures that address and undo the misplaced policies that sent too many people to prison for insanely long periods of time.

- *Establish a re-entry plan at the time of admission for every resident.* Re-entry and reintegration must be the focus for every person who goes to prison, beginning at the time of their sentencing. A clear outline of what programs exist, how to be successful, and what steps will move residents toward release should be clear from day one.
- *Make security classifications transparent.* Security classifications determine numerous aspects of a resident's life inside: access to communication technology, living units, programming, activities, work, furloughs, and more. We need to have clear direction as to what residents need to do to earn a lower security classification and ultimately move toward community confinement.

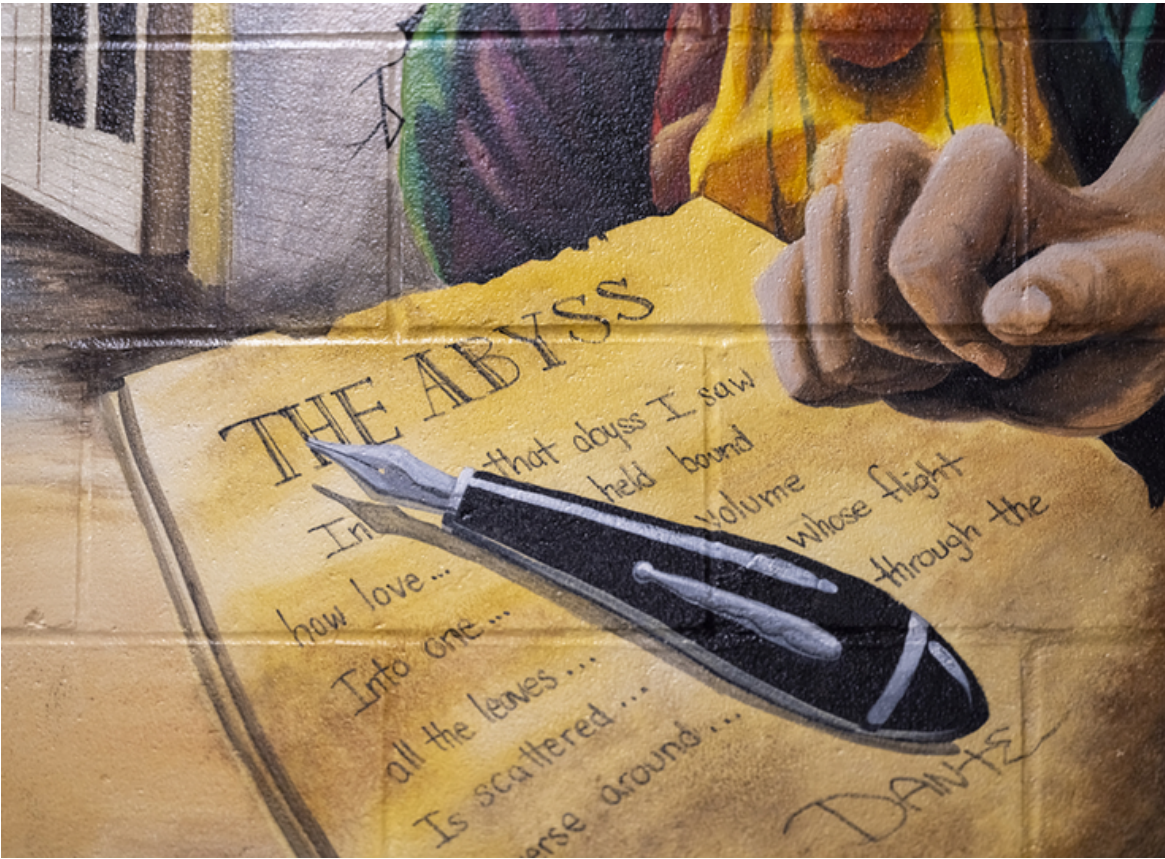
- *Prepare documentation prior to release for every resident.* A surprising number of residents lack the basic documents required for normal life outside. Prior to their release, caseworkers must ensure every resident has obtained a state ID, birth certificate, and Social Security card, and is prepared to begin the process of getting a driver's license, bank account, health insurance, phone, e-mail and other necessities.
- *Enact Second Look and Second Chance policies to review all sentences* after the first 10 years of incarceration, as recommended by the American Bar Association.
- *Retroactively cap sentences for crimes committed by "emerging adults."* Recent scientific studies suggest that "emerging adults" – young people between the ages of 18 and 28 – are still developing neurologically, and as with teens and children, this developmental stage can result in poor choices. This is reflected in the age-crime curve, which shows a peak of criminal activity in the late teens and early twenties, followed by a swift decline in later years. Incarcerating a single 18-year-old with a virtual life sentence costs the state \$2.8 to \$3.7 million. In recognition of these findings, the Maine Legislature passed LD 847 two years ago, which would have provided young adults with options to avoid involvement in the criminal legal system. The bill was vetoed by Gov. Janet Mills, but should be reintroduced and passed, and retroactive sentence reductions should also be explored.
- *Instate compassionate geriatric release.* Why keep someone in prison when they are no threat to society? The cost of medical care for elderly people in prison is enormous. Allow elderly prisoners to return to their families. While "Maine provides compassionate release to incarcerated individuals with severely incapacitating or terminal medical conditions," according to state policy, it does not provide for early release of the elderly.
- *Reinstate parole.* Maine abolished parole in 1976. In 1982, the law allowing the DOC to petition a sentencing judge to reduce the term of incarceration for those deemed to have made sufficient "progress toward a non-criminal way of life" was repealed. In 1997, the ability of incarcerated people to return to court to argue that their convictions or sentences were unlawful was limited to one year post-conviction. Executive clemency is now the only remaining avenue that would allow incarcerated individuals with long sentences who pose no risk to society to carry out their sentences under community supervision, rather than behind bars. And yet executive clemency has never been used. Every incarcerated person should become eligible to be considered for parole after serving a third of their sentence.
- *Close prisons as their populations dwindle.* Develop a five-year and a 10-year plan for closing prisons and retraining CO's for better, more meaningful jobs.

We know the formidable challenges of shifting carceral culture toward repair, healing, accountability and personal growth. And yet we believe that we, as a society, collectively have no other choice. Prisons – even those as forward-thinking as those run by Maine's DOC – are institutions designed to punish, stigmatize, disappear and humiliate human beings. Why would we imagine that subjecting people to such an institution would enable them to

rehabilitate themselves and return to their communities as healthy, stable, productive citizens?

If we are to live in a world where prisons exist, we need to be thinking good and hard about what we want them to do, how we want them to contribute to public safety, how we want them to help repair harm, and how we want them to treat those who will eventually be returning to our neighborhoods. We invite you to reflect on our suggestions and consider which ones you might be willing to work on. How can you be part of the solution this year?

## TOWARD A CAGE-FREE MAINE: PART THREE, AFTER



Artwork inside Maine State Prison. photo/Trent Bell, courtesy Freedom & Captivity

"The power of community to create health is far greater than any physician, clinic or hospital." – Mark Hyman

Nationwide, people with a criminal conviction are subject to more than 44,000 collateral consequences that hinder their ability to re-enter society, support their families, get a job, secure housing, obtain a professional license, vote, serve on juries, access credit and educational loans, and much more. The impact is devastating and directly contributes to the appalling percentage of people – 79 percent nationwide – who are rearrested within five years of their release.

Maine has capped some collateral consequences: people with felony convictions are allowed to vote, serve on juries, and run for public office, for example, each of which is an important dimension of civic duty and belonging. Yet Maine still ranks near the bottom among states evaluated on the Reintegration Report Card by the Restoration of Rights Project, based on factors including the granting of pardons, expungement of criminal and non-conviction records, and access to employment and occupational licenses.

Within the four years between 2015 and 2018, 20 percent of those released from prison in Maine returned to prison (and this figure does not include those sent to jail for lesser offenses, which many incarcerated people and

corrections personnel will affirm is a regular occurrence). People leaving prison are set up to fail, which compounds trauma, breaks families, and causes intergenerational impoverishment. We need to do things differently to ensure those community members returning from prison are able to support their families, contribute to society, and feel a sense of belonging, rather than meeting them with a barrage of stigmatizing rules and policies that are punitive and exclusionary.

In addition to confronting the barriers created by social stigma and public policy, people leaving prison face a bewildering and destabilizing set of challenges as they try to navigate their return to normal life. Too often, people are released with no idea how they are going to live on the outside. According to a Memorandum of Understanding between the Maine Prisoner Re-entry Network (MPRN) and Maine's Department of Corrections (DOC), people being released from prison are supposed to connect with their caseworkers nine months prior to their anticipated release date. They're supposed to receive guidance on what services, resources and connections exist that could support them during their time of transition.

What actually happens in many (if not most) cases is that people step out of prison blind – they have not received the guidance and information they need, nor have they been properly prepared to absorb the inevitable kick in the teeth that awaits them upon their re-entry. Unless they have family and a well established support system, people leave prison with next to nothing aside from what they've heard through the prison grapevine or received from a particularly invested caseworker. Oftentimes, people approach the week before their release with no bank account, no state ID, and no idea how to get housing. They're set free with \$50 and a bus ticket. And again, that's from state prison. When people are released from county jails, they leave with nothing other than what they had on their backs and in their pockets when they came in – assuming it wasn't held as evidence.

Re-entry is currently managed through three pathways: straight release, release to probation, or release to home confinement through the Supervised Community Confinement Program (SCCP). In 2021, 712 men and 58 women were released from prison in Maine. Of the men, 360 were released directly into society and 352 were released on probation. For women, 38 were straight releases, and 20 were released on probation. In addition, as noted in our first installment of this series in January, an estimated 40,000 people, incarcerated pre-trial, cycle through Maine jails every single year. There are currently about 5,400 people under some form of DOC supervision in their community: about 4,200 are under what's called "active probation," by which they need to engage in some type of treatment or education and report to their probation officer on a regular basis, and the other 1,200 people are on "passive probation," allowed to live normal lives with the occasional check-in with their probation officer, although their status can be changed to "active" at any time. And regardless of status, if a probation officer determines someone has violated a rule, they can be returned to prison.

Our rate of success helping incarcerated people transition to life in the free world is pretty dismal. In 2021, there were 694 new prison admissions, or

almost two each day. Forty-five percent of those admissions were for probation violations (usually for a behavior that would be legal if they were not on probation, like drinking a glass of wine). These stats make it clear that our system is doing something wrong. In this third and final part of our series, we offer a guide to an alternative approach to re-entry. What should we be doing differently?

### **Stop the Stigma**

The “tough on crime” era that began in the 1970s ushered in a rash of stigmatizing penalties used against people who’ve been caged, including laws barring them from living in public housing, applying for federal education loans, and obtaining licenses or certifications for a wide range of professions. Additionally, prospective employers, landlords, educational institutions and financial institutions can demand information about an applicant’s criminal history and often discriminate against them based on those records. Losing one’s freedom and serving time in prison are the penalty for a conviction; ongoing stigma and exclusion only cause more harm.

- *Eradicate stigmatizing language.* Language matters, and when people returning from prison are identified by terms like “convicted felon,” “violent offender” and “criminal,” these labels stick and bite. Once someone is convicted of a crime, their name will forever be associated with that crime through background checks and media coverage archived online. Even after death, newspaper obituaries commonly reference the offense for which the deceased was once incarcerated. Lifelong labeling for a conviction has to stop.
- *Interrupt misogynistic language for formerly incarcerated women.* Women who’ve spent time behind bars face a gendered form of stigma, such as being identified as “bad mothers” for having once made a mistake or poor choice, or had to defend themselves or their children against further abuse. Those negative labels can be psychologically crippling for women trying to rebuild their lives while reuniting with their children.
- *Pass the Primary Caregiver bill* currently before the Maine Legislature, which would allow community-based sentences instead of incarceration for primary caregivers, keeping families together and avoiding the havoc caused when the head of a household is locked away.
- *Make justice-impacted people a protected class.* People returning to society from prison should be a legally protected class. Incarceration disproportionately impacts people who are poor, traumatized, and struggling with substance-use disorder or mental illness or both. We know our criminal legal system is racially biased, resulting in the dramatic hyperincarceration of people of color. One way to ease the burden of these inequalities is to offer protected status to those who’ve been caged by the carceral system, ensuring that the fact they’ve “paid their debt to society” for a past transgression cannot be used to limit their future. Beyond protection from discrimination, recently freed people should be given employment preferences and easier access to subsidized housing during the year following their release. This would ultimately benefit all of us.



## Reform Post-Release Supervision Policies

Current post-release supervision policies do not provide sufficient support; instead, they are unnecessarily heavy on surveillance. While this paradigm seems to be changing for the better in Maine, the experience of probation for most is still like walking on eggshells, fearful that the next step could cost you your freedom. The focus of post-release supervision policies and practices must shift from surveillance to support.

- *Eradicate reincarceration for technical violations of probation.* The stated purpose of probation is “to assist the person to lead a law-abiding life, including, without exception, a condition of probation that the person refrain from criminal conduct.” Somehow, this assistance has turned into another form of punishment, another way to keep people trapped in the carceral system. For example, it doesn't matter if a person is one day away from completing their probation; if their probation is revoked, it's as if they never served a day of it. Upon release, they will have to start their entire probation period over again. We commend the DOC's efforts to change probation officers' understanding of their role from one of overseer to that of a supporter. To make this shift effective in practice, the option of reincarceration for technical violations must be taken off the table. This punishment tends to be for behavior that, were the person not serving probation, would be completely legal, or it's for failing to achieve something, like getting a job or an apartment, rather than causing any harm.
- *Abolish income withholding.* While we wholeheartedly support victim compensation, financially crippling recently freed people by withholding part of their paycheck to pay fines, fees and restitution actually hinders their ability to provide that compensation, both in the present and long-term. Bereft of any savings or access to credit, limited by discrimination to low-paying labor, and suddenly shouldering all the costs of living outside the walls, people returning from prison often must work two or three jobs just to get by. This state-sanctioned robbery needs to end. Furthermore, forcing employers to withhold the wages of their workers damages bosses and their business, compelling them to make their employees' lives harder, which inevitably impacts their job performance. Because to deny the state its pound of flesh, the employer risks punishment themselves.
- *Remove fee requirements from probation.* Supervision fees. Electronic monitoring fees. Substance testing fees. Application fees to request permission to travel. These and other levies constitute a further burden on people struggling to rebuild their lives and must be abolished.
- *Review and revise restitution policies.* People who have been victimized should not be re-victimized by the state. When people are harmed, they have a right to repair. The person who harmed them has an obligation to participate in the repairing of that harm. Our adversarial legal system prevents this reparative action by those who've caused harm. And rather than facilitating healing, Maine's restitution policies demand a person who's been harmed justify their status as a “victim” in order to receive compensation. This is wrong and must be changed. People who have been harmed should be directly involved in determining what they need to be made whole. Any restitution should go directly to them, not the state's General Fund.

- *Expand the Supervised Community Confinement Program (SCCP).* The American Bar Association says that after 10 years, incarceration becomes counterproductive. In 2021, SCCP had a 91 percent success rate. There are currently 66 folks on SCCP in Maine and there have been very few violations, most of which are related to substance use. With this type of success, the DOC has an opportunity to implement the research put forward by the Bar Association and others by, for example, reviewing re-entry preparation after 10 years for those serving long sentences. If an incarcerated person has successfully engaged in rehabilitative and transformative engagement over time, and if they've been able to establish a support network to welcome them home, why continue to spend \$78,000 a year to keep them caged? Expand SCCP to include long-term prisoners.
- *Reestablish parole.* Following the positive recommendations of the 2022 Commission to Examine Reestablishing Parole, the Maine Legislature is considering LD 178, An Act to Support Re-entry and Reintegration into the Community. This bill would provide imprisoned people with a clear pathway toward parole eligibility, one that encourages genuine rehabilitation. It would create a supportive, restorative, victim-sensitive parole system. Most prisoners (over 95 percent!) will eventually be released. Whether they're set up for success afterward is the question. Parole offers a rehabilitative pathway toward reintegration into society. For more information, check out [parole4me.com](http://parole4me.com). Reach out and support this effort!



Artwork by Christopher [surname redacted]. photo/John Ripton, courtesy Freedom & Captivity

## Housing

We all know Maine has a severe housing crisis, but for those leaving prison, it's more than a crisis: it's an emergency. Our state has exactly zero halfway houses for people released from prison. The closest thing we know of is the Leading the Way Transitional Living Residence, in Bangor. This was described to us as a place used for people who have absolutely no place to go when leaving DOC facilities, or for folks in the Bangor area who are on probation, as an alternative to sheltering them in jail. It can reportedly house up to 12 people who can stay there rent-free for six months. It's definitely not a halfway house, defined as a residence with staff, resources and programming that help people lead full lives on their own. In lieu of halfway houses for the recently freed, Maine has 68 recovery houses for people struggling with addiction, according to the [Maine Association of Recovery Residences](#). Some are designated exclusively for men, others exclusively for women. None are designated for families. The lack of re-entry houses brings people traumatized by incarceration into close living quarters with people "white-knuckling" their sobriety, thereby jeopardizing the successful re-entry of all. Maine Prisoner Re-entry Network (MPRN), a grassroots effort that started with four or five people, has now grown to the point where about 40 people participate in their weekly collaboration call. The need and the desire for meaningfully supportive housing are clear.

- *Support MPRN's forthcoming legislation.* One of the biggest challenges to success outside is the caseworker inside. Some caseworkers are proactive and engage with MPRN and other supportive organizations with all their clients, working together as a team. These Corrections Care and Treatment Workers (CCTWs) see the value of coordinated virtual meetings with resource providers and peer support. Others refuse to engage with MPRN and their hundreds of community partners in this process, only assist some of their clients, and do not value peer support. As a result, the freed person's success, and the community's safety, depends on the CCTW's personality, rather than professionalism. For many CCTWs, re-entry is just a series of boxes that need to be checked. That's why MPRN is proposing legislation, to be negotiated with the DOC, titled, "An Act to Establish Community-Based Re-entry in All Maine Department of Corrections Facilities." Support this legislation when it's introduced!
- *Establish independently run "three-quarter" houses.* We shouldn't have to rely entirely on the state to provide support to returning community members. Mainers with financial means can step in, lease or purchase property, and provide non-restrictive affordable housing to people coming home. These are places, sometimes called "three-quarter" houses, where people returning from jail or prison can have some semblance of stability, a foundation upon which they can rebuild a life. These houses could also be run by formerly incarcerated people, with their salary paid by the rent collected from tenants. Who better to support returning citizens than someone with lived experience? Once established, property owners could apply for state or philanthropic funding to expand this foundation of support. However, for these efforts to be successful, we collectively need to overcome the "Not In My Back Yard" mentality that opposes such housing when it's proposed in a residential area. If we want to build community safety, we need to build community.

- *Remove all barriers to low-rent, subsidized, and public housing* for those with criminal histories. Remove “disqualifying” felonies and the waiting period that makes those with felony convictions wait five years before being allowed to apply for Section 8 housing. Do not allow insurance companies to discriminate against renters with a criminal history by effectively barring them from a residence under threat of withholding coverage or raising the landlord’s insurance rate.
- *Revive the Fair Chance Housing Act.* LD 1572, The Maine Fair Chance Housing Act, died in the Legislature in 2020. The purpose of the act is to “ensure that a person is not denied housing based solely on the existence of a history of criminal convictions.” It “prohibits a housing provider from considering an applicant’s criminal history until after the housing provider determines that the applicant meets all other qualifications for tenancy,” and gives prospective renters legal recourse if they’re victimized by such discrimination.
- *Provide meaningful funding for returning community members.* Many years ago, when Maine State Prison was still in Thomaston, residents could earn up to \$10,000 a year for their work in the Woodshop/Industries program. Now, the average wage is \$2 an hour, yielding less than half what people used to make. Subtract from this the cost of personal hygiene and food in prison, as well as any money sent home to support struggling family members, and people laboring behind bars don’t have much left over to save for their release – to pay, for example, a security deposit for an apartment. Either give freed people money to make a new start, or enable them to earn the money they need to land on their feet.
- *Provide low-interest loans with matched funding for first-time homebuyers.* Many people don’t know about the Family Development Account Program offered by CASH Maine. This is a very supportive program that provides matching funds at a rate of \$4 for every \$1 for qualified savings goals that include the purchase of one’s first home. For returning community members, the ability to save \$2,000 to realize \$8,000 (the maximum amount of matching funds) feels desperately out of reach. This program needs to be more widely promoted and similar programs should be created.
- *Build re-entry bridges for families.* As noted above, no one is taking women with their kids into recovery homes. This forces women released from prison to choose between reuniting with their children or living in a supportive residence. We need recovery places that are safe and open to families – not just in Greater Portland, where most such homes are located, but all around the state. The regulatory hurdles to open a halfway house are prohibitively high, and for previously incarcerated people, whose experience makes them uniquely well-qualified to help those in this circumstance, the barriers are even higher. Those barriers should be lowered and incentives should be created, like no-interest loans and supportive tax and regulatory policies for recovery and post-incarceration residences.
- *Create and disseminate an annual re-entry information booklet.* How can people know where to go if no one tells them? How can people know what help is available if no one shows them? A straightforward, comprehensive re-entry information booklet needs to be compiled and distributed on an

annual basis to those being released from prison and jail. It should be a guide to organizations and resources returning citizens can use to secure housing, employment, health care and more. Given sufficient support, the Maine Prisoner Re-entry Network could produce an annual booklet like this.

## **Employment**

Maine is the oldest state in the nation, and we're struggling with a serious labor shortage right now. We need to release people from prison who have taken accountability for the harm they caused and are rehabilitated, allowing them to enter the job market and contribute to Maine's economy while they serve out their sentences. A recent study from the Colby Laboratory for Economic Studies found that releasing just 100 people on parole would contribute \$14 million to our state's economy once they took jobs in the industries most commonly accessed by people leaving prison. Maine was graded a C by the Restoration of Rights Project for our pathway to employment for those leaving prison. We have to do better. Here are some first steps:

- *Expand "Ban the Box."* Maine's Fair Chance Employment Act went into effect in November 2021. Colloquially known as "ban the box," the law forbids employers to remove people from consideration for a job based on a criminal record. But once it's been determined that a candidate is qualified for the position, the employer can ask about criminal history, and when a conditional job offer has been extended, the employer can conduct a criminal background check and choose to withdraw the offer. We need to go further and "ban the box" altogether. Do not require job-seekers to reveal a criminal history unless there is a specific public-safety-related reason to do so.
- *Remove all the barriers to certification* for professions unrelated to the maintenance of public safety. Although some professional licensing boards allow for appeals, the sting of rejection typically makes the prospect of launching an appeal seem hopeless, given the lived experience of how poorly the appeals process works in the carceral/legal system.
- *Eliminate mandatory waiting periods for many professions.* Currently there is a three-year waiting period for formerly incarcerated people to apply for licenses for many trades and professions. There is a 10-year waiting period to apply for licenses in medicine, dentistry, osteopathy, social work, nursing, chiropractic medicine, physical therapy, alcohol and drug counseling, respiratory care, podiatry, mental-health counseling, occupational therapy, massage therapy, radiology, nursing-home care, pharmacy, and emergency medical services. Some of these are professions for which incarcerated people receive training inside, but people in need are denied their help and expertise because of these unnecessary and punitive waiting periods.
- *Integrate the business community with release.* There should be direct communication between businesses and corrections facilities that enables residents to build connections with potential employers, grow their professional networks, and receive professional training to prepare for employment upon release.

- *Allow incarcerated people to hold jobs on the outside.* As incarcerated people develop or hone their professional skills through programming inside, we need to open pathways to employment at free-world wages, including for those held at medium- and maximum-security facilities. There is no reason incarcerated people cannot teach classes, consult in areas of their speciality, offer contract services, or work remotely. Allowing incarcerated people to hold normal jobs at living wages will ease their re-entry, develop their skills, build an employment history, and enable them to support their families, fulfill any victims' compensation they owe, and become taxpaying members of society. Why wouldn't we want this?
- *Educate business owners and managers about existing incentives.* A number of incentives already exist to support the hiring of currently or formerly incarcerated people. For example, there is the federal bonding program (which provides special insurance to employers) and the Worker Opportunity Tax Credit. More can be done to educate employers about these benefits. Jobs for the Future's Fair Chance Employer Training Program is an excellent resource.
- *Provide Universal Basic Income (UBI).* Formerly incarcerated people would be greatly helped by a program that provides all citizens with a base level of financial security. There are nine universal basic income/cash-transfer programs currently in effect in different states. As we better understand how best to implement such programs, they should be expanded nationwide.

## **Transportation**

Maine's public transportation infrastructure is notoriously dismal. Just like everyone else, those returning to society from prison need a car to search for work and housing, visit their probation officer, and attend to all the daily demands of life. Buying a car is much harder for those whose incarceration has ruined their credit score, starved them of savings and blown a hole in their employment history. This forces many into loans at unreasonably high interest rates, such that financing a car can end up costing more than housing.

- *Invest in public transport.* Maine used to have a much more developed system of public transportation linking rural and urban areas. There is no reason we cannot reinvest in this infrastructure, and many reasons why we must, including the climate crisis.
- *Develop private-public transport partnerships.* The government can work with the private sector (Uber, Lyft, car rental companies, rides arranged directly by employers, etc.) to create and support a stop-and-ride system that gets recently freed people to and from their jobs.
- *Create a low-interest loan fund* for car loans for those below the poverty line. Since automobility is still a requirement for normal life in this country, poor people are excessively burdened by the high cost of cars, car loans, gas, maintenance, excise fees and insurance. Until our public transportation system is improved, poor people, including those returning from jail and prison, should be able to access low-interest loans to ensure their access to transportation.
- *Delink traffic violations from probation revocations.* Since "any contact.



with police can be rendered a violation of the terms of [probation or] parole," a minor traffic violation can send someone back to jail or prison. This should never happen.

- *Remove excessive fines for traffic violations.* In the U.S., you cannot be jailed for failing to pay your debts, and in Maine, you cannot be jailed for a traffic violation. And yet failure to pay a traffic fine can mushroom into late penalties, interest, a court warrant, a failure-to-appear-in-court charge, a license suspension, a fee for reinstatement, compounding court fees and, ultimately, arrest for driving without a license or driving after suspension. State lawmakers are considering huge increases in fines for driving while holding a cell phone and new fines for driving with snow on one's vehicle. Like someone exiting onto an on-ramp, they're heading in the wrong direction.
- *Limit license suspensions.* Maine currently has 64 violations that lead to a license suspension, 59 of which carry fines that vary from \$50 to \$200 to lift the suspension. These fines do not include court fees. In 2021 alone, Maine issued 36,847 license suspensions. License revocations should be extremely limited, and only for actions that are truly dangerous to public safety, not for petty infractions.

### **Medical Care and Wellbeing**

Prison is an unhealthy environment that produces poor health outcomes. Health care in prison is generally low-quality, and incarceration itself is antithetical to well-being. Post-incarceration syndrome (PICS) is real — a mental disorder that occurs in those currently incarcerated or recently released, and its symptoms are most severe for those who endure extended periods of solitary confinement and caging. PICS can manifest as institutionalized personality traits, post-traumatic-stress disorder, anti-social thinking and behavior, social- and sensory-deprivation syndrome, and substance-use disorders. Dealing with PICS requires a holistic approach to medical care and personal health. Some steps to address it include:

- *Assign health navigators* to track the health care needs of those returning to society. This is perhaps most important for those managing substance-use challenges which, as previously noted, are a huge factor driving recidivism and probation violations.
- *Develop a transitional health care plan.* Maintaining one's prescriptions after re-entry is challenging. Prison medical providers can change or refuse to fill prescriptions ordered by doctors, and prescribed medications are only provided for a few weeks after release. After that, patients are on their own: there is no plan for how to transition prescriptions from the inside to the outside. Women have unique needs with regard to reproductive healthcare that often go unmet behind bars. Routine appointments for mammograms or pap smears involve shackles and jumpsuits, so many women forgo these preventative tests while incarcerated and continue to neglect their reproductive health post-release. Care must be taken to mitigate these effects.
- *Extend MaineCare for the first year of re-entry.* If a person does not meet MaineCare income-eligibility requirements after release from prison or jail, they usually go without health insurance or care. For the first year after re-entry, the income threshold needs to be adjusted downward for

those working multiple low-income jobs that do not offer insurance. Everyone returning to society should be covered for a year.

## **Community Support**

The world doesn't stop when people go to jail or prison. Jobs are filled, both at work and in the home. Technology continues to evolve, as do family expectations. Not every hole can be filled, but people adjust — they find a way forward without you. Those who leave jail or prison expecting to quickly regain their stride are almost always disappointed. There needs to be an adjustment period between the inside and outside worlds. Most importantly, there needs to be a supportive community ready to welcome returning members home. Without support, mentoring and care, failure (and reincarceration) is much more likely than success. To interrupt these cycles of recidivism, we propose a few solutions.

- *Support better coordinated re-entry services.* The Maine Prisoner Re-entry Network currently employs three full-time Community Re-integration Specialists. These specialists can support only about 10 percent of those re-entering society from Maine's prisons, pre- and post-release. Organizations like MPRN, Helping Incarcerated Individuals Transition, and Re-entry Sisters are in need of funding. Maine's General Assistance program has new rules to help recently incarcerated people, but only some of the GA offices are enacting those rules. More funding is needed to support the hiring of additional reintegration specialists throughout the state.
- *Establish direct support for incarcerated people and their families.* Many people who wind up in jails and prisons never had a support network before, and in the wake of some harms, existing support networks are dissolved. It is vital that we ensure every incarcerated person has a community-based network of support as they prepare for their release. In addition to groups previously cited, organizations like the [Maine Prisoner Advocacy Coalition](#), [Maine Recovery Advocacy Project](#), the [Augusta Recovery Re-entry Center](#), [Restorative Justice Institute of Maine](#), [Restorative Justice Project Maine](#), and [Maine Coastal Regional Re-entry Center](#) are doing great work that needs to be supported and expanded.
- *Form re-entry community support groups in every county.* If we really want to improve community safety, we need to establish community re-entry support groups to surround and embrace people coming home from jail or prison. When people feel connected, it increases their sense of safety. When people feel safe, they're able to build confidence and reach out when they need help. A poorly kept secret is that people who have been incarcerated tend to have a really hard time asking for help. That doesn't mean they don't need it. This is a way every Mainer can contribute if they so choose. Start a group, join a group, or support a group.
- *Offer free life-skills courses.* Many incarcerated people have lived full lives before jail or prison, but many others have not. A great number of those returning need help securing the basic necessities of life, which these days includes much more than clothing, food and shelter. Both in-person and online classes can help freed people develop the skills they need to navigate modern life post-release.

- *Implement a reparative reintegration process.* Whenever someone goes to jail or prison, someone else is hurt by their absence. Family members of incarcerated people suffer right along with them. To better support social and family reintegration, there needs to be some type of reparative process put in place. There is a great model for this created by Community Mediation of Maryland that has also been reproduced with success in Massachusetts. This is an evidence-based re-entry mediation process. Restorative justice organizations would be well suited to take on this task.
- *Provide special support for returning mothers.* Many women sent to prison are the heads of households and primary caretakers of children and elderly parents. Women typically shoulder much larger burdens within their families than men do, and their need for greater support post-release should be recognized as programs are developed and expanded.



Artwork by Christopher [surname redacted]. photo/John Ripton, courtesy Freedom & Captivity

### **Reform the Criminal Code**

This point is central to our entire three-part series, and we include it here to highlight some of the broad failures of our criminal legal system. The public safety “reforms” Maine adopted back in 1976 resulted in more people going to prison for longer sentences, instituted life-without-parole sentences, and dramatically lengthened the amount of time young adults spend behind bars. These “tough on crime” and “War on Drugs” measures have caused immeasurable harm, trauma and impoverishment wholly unnecessary for maintaining public safety. Maine’s public spending on incarceration now

outpaces our expenditures on education, mental health and substance-use disorder treatment. The disco-era “reforms” also eliminated the ability of the state to adjust sentences in recognition of rehabilitation. It’s time for real reform of Maine’s criminal legal system to prioritize public safety over punishment, rehabilitation over warehousing, restorative pathways to re-entry over absurdly long sentences, and genuine support for those who have been harmed and those seeking redemption for wrongs. Let’s start with these changes:

- *Retroactively eradicate “truth in sentencing” laws* that mandate people serve their full court-ordered sentences without regard for rehabilitation, illness, family needs or the public good.
- *Retroactively eradicate Life Without Parole*, a sentence viewed almost everywhere else in the world as abhorrent and excessively cruel.
- *Retroactively eradicate lengthy sentences for emerging adults*, in the recognition that young adults are still maturing and their likelihood of committing harm drops dramatically after their mid-30s.
- *Vastly reduce the length of sentences*, in recognition of the recommendations of legal experts like the American Bar Association, which calls for sentencing review after 10 years.
- *Vastly reduce the number of offenses* that carry a prison sentence.
- *Cap all sentences at 45 years.*
- *Retroactively end accomplice liability for felony murder.*
- *Reinstate presumptive parole* so that people who pose no risk to others can return to society as contributing family and community members.
- *Expand good time credits* to allow people to return to their communities sooner.
- *Amend Maine’s Constitution* to allow people to return home before the end of their sentence when experts determine they can safely do so. Currently, the only way to release people before their sentence ends is through gubernatorial clemency, which has hardly ever been granted. We need other options: through the courts, a board of experts, the medical community, and a parole board.

## **Conclusion**

At the start of this series, we said that to us, abolition is a process of working toward a society that prioritizes the healing of trauma, creating strong community bonds, investing in services and resources people need to live a healthy and dignified life, confronting and dismantling systems of oppression, and responding to harm with practices of accountability and justice. Abolition means putting in place the support structures and harm-remediation systems that would make prisons and jails obsolete, while making society safer and healthier. In short, decarceration is the pathway to abolition, based in building an entirely new society that invests in safety and security for everyone.

Looking into the future, we are struck by Gov. Janet Mills’ recent budget. It includes a \$45 million increase for the DOC and an \$17 million\* increase for policing, but minimal increases in funding for mental health and substance-use treatment. Let’s imagine for a moment what Maine’s communities could look like if that \$62 million was spent instead on some of the programs and

initiatives outlined in this series. Rather than expanding the long arm of incarceration and repression, what if that \$62 million went to facilitating restoration, rehabilitation, redemption and healing?

We long for the day when the state budget reflects the real needs of Maine's people. With your help, we hope to eventually see that day. To those of you who read through each part of this series, we want to say thank you. This has been a long, exciting, sometimes daunting journey. We didn't cover all of the needs, nor all the stories, nor all the solutions. This is just the beginning, the first swing at radical visioning of what a healed and safe Maine could look like. We are moving forward into this future with a determined hope that, even if we don't see it to its full fruition, we might witness the first steps toward a restorative, decarcerated, abolitionist, healing-centered, collaborative community throughout Maine.

\*The print version of this article misstated the amount of new funding for policing in Gov. Mills' budget request; it's been corrected here.

For assistance with this series, we are grateful to Linda Small of Re-entry Sisters, Bruce King of Maine Inside Out, Erica King of CEPP, Andre Hicks of Maine Prisoner Advocacy Coalition (MPAC), Jan Collins of MPAC, the Office of the Secretary of State, Chris in MSP, Jim in MSP, and Bruce Noddin of Maine Prisoner Re-entry Network.

## ABOUT THE AUTHORS



**Leo Hylton** is a PhD student at George Mason University’s Jimmy and Rosalynn Carter School for Peace and Conflict Resolution, currently incarcerated at Maine State Prison. His education and work are focused on Social Justice Advocacy and Activism, with a vision toward an abolitionist future. You can reach him at: Leo Hylton #70199, 807 Cushing Rd., Warren, ME 04864, or [leoshininglight@gmail.com](mailto:leoshininglight@gmail.com).



**Catherine Besteman** is an abolitionist educator at Colby College. Her research and practice engage the public humanities to explore abolitionist possibilities in Maine. In addition to the Freedom & Captivity initiative, she has researched and published on security, militarism, displacement, and community-based activism and transformation, focused on Somalia, South Africa, and the U.S. Her recent work has been supported by fellowships from the American Council of Learned Societies, and the Guggenheim and Rockefeller Foundations.

**the bollard**

Edited versions of these essays first appeared in the January, February and March 2023 issues of *The Bollard*. We are grateful to *The Bollard* editor Chris Busby.

**& FREEDOM  
& CAPTIVITY**