

January 17, 2012

Sent via email to: MDOC Administration / Criminal Justice Committee Members / M-PAC Coalition Members / Others

Thank you for your prompt response to our concerns about the consequences of the new MDOC database.

From preliminary discussions with other advocacy groups this week, as well as individuals on the database and their families, and victims of crime who are M-PAC members, we have collected a few responses that we hope you have time to consider.

1) Such databases have been proven to produce the chilling effect of creating another barrier to reintegration into society. We're happy to provide studies and instances of these problems.

2) In relation to the above, such a database reinforces, and makes available, information that helps identify and stigmatize individuals by their criminal record or physical characteristics, and obfuscates who they really are. This becomes, in effect, an injustice and additional penalty to individuals who have become, or are striving to become, productive members of society. In addition, these individuals' families suffer from reduced financial consequences and ongoing humiliation in their communities.

3) When we define victims we should include many of those who become offenders as a consequence of their life circumstances and/or early or recent crimes against them. The access of this data deprives them of their humanity. The work of restorative justice can sometimes overcome these polarities.

4) There are often instances -- when a probationer's status is known -- when such a database instigates a vigilante effect whereby people perceive criminal behavior where there is none. Or, as we have seen, an individual on probation is returned to jail as a result of false accusations or minor infractions, such as having a beer or staying out after a certain hour, etc.; thus adding to MDOC's budget.

5) While we appreciate the efficiency of the database we hope Maine people keep in mind that this type of available information is likely to have the unintended consequence of increasing the size of our incarcerated population and the rate of recidivism.

6) The database search terms are sweeping, and we question whether the entire population of Maine and international internet users need this law enforcement tool. For instance, if we simply put in one term -- Black or African American -- with no other search terms, we pull up 430 men and women today. The same with Asian-American (42 as of today), etc. This has ramifications for racial profiling by other entities: i.e. the settlement with EEOC this week by Pepsi Corp for hiring discrimination against African Americans with criminal records: <http://www.eeoc.gov/eeoc/newsroom/release/1-11-12a.cfm> We do understand that this is not the intended purpose for this database or others, yet it is possible to use it in this way.

7) Of deep concern is the increasing distrust of neighbor against neighbor in Maine, now exacerbated by this database. For instance, if we have an average-size young man on our road and are curious about whether he has a criminal background, but we don't know his name, we can search for ages 25-35, 5' 9- 6', brown hair, and see if our neighbor's face comes up. If it does, we can watch him closely and report behavior we perceive as inappropriate.

8) We know that such databases are available in many states; though not all. Yet, what other states do shouldn't affect Maine's choices. How have we managed all these years without this?

A presentation about the database wouldn't be necessary for M-PAC's purposes, since our members understand its usage and the importance placed on it by law enforcement and some members of the public. More helpful might be a forum where points of view -- including inmates' and probationers -- can be respectfully considered.

We will also be in touch with the DOC Commissioner about this. We realize this was in the works before Mr. Ponte arrived in Maine, even though none of us were aware of it. Mr. Ponte is working with advocacy groups on community re-entry, slowing down recidivism, and many other positive programs to increase safety and budgetary savings. These programs will surely be undermined by this database and, in addition, are philosophically at odds.

Perhaps an immediate recommendation is to scale back on broad, generalized search terms and remove photos. To our knowledge the Bureau of Prisons' database doesn't supply photos, physical appearance details, or criminal history, and many states have much more limited data as well.

Finally, here are a few quotes from others:

"So much for rehabilitation, fair mindedness and justice. You pay the time and we will still extract more from your life. Forgiveness is not a word that many understand. What if all of our personal failures were to be posted. . ." – Rector, a Maine Episcopalian Church

"More public scrutiny and scorn as the cyber pillory expands opportunities for promoting increased humiliation." -- A former prisoner, not on probation

It is a sad day when Maine should do this because other states are. We lead in corrections because we let people in prison vote, we do not have the death penalty, we voted down the private prison bill twice, and we are correcting the problems in solitary confinement. We lead. Is our state motto still in effect or do we now follow? Is there no mercy? – M-PAC member

The database only serves to remind the public of the worst of the convicted. It does not reflect any programs or achievements the person may have accomplished while incarcerated. It does not even take into account the effect the time served has on an individual. It fosters the fear and ill will much of the public already has in their hearts in our hyper punitive society. To support the DOC's doing their job, I would think they would illustrate to the public what kind of "correcting" they are implementing for the hundreds of millions of dollars they have taken from the taxpayers of Maine. – A Maine Inmate

This is a very lengthy, yet still limited, response. We appreciate what you and others are trying to do about this and many other issues.

Sincerely,

Jim Bergin and Judy Garvey, Co-Coordiators

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