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NEWS RELEASE

M-PAC warns against LD 1707: More prison beds for so-called gang members would bring excessive costs, negative consequences

ELLSWORTH – Jim Bergin, co-coordinator of Maine Prisoner Advocacy Coalition (M-PAC) said today that advocates are deeply concerned about the severity of sending someone to prison for up to forty years (a Class A crime) if convicted of asking a peer to join a “criminal street gang.”

Despite volumes of research data showing that “enhanced sentencing”; upgrading classifications for crimes; adding new crimes; and mandatory sentencing for judges does nothing to deter the rate of crime, some Maine legislators are proposing legislation that could – in addition to sending a person to prison for up to forty years for asking someone to join his or her “gang” – require judges to add on one to four years to normal sentences if a district attorney can prove affiliation with a gang through “a reliable informant,” as defined by LD 1707 – An Act to Define, Prevent, and Suppress Gang Activity.

Bergin said, “Advocates for lowering costs of prisons to balance Maine’s budget believe this proposed legislation by a few well meaning representatives is a simplistic and redundant solution to a social problem.” He says that “More prison beds for hastily defined gang members would create a problem with spiraling negative consequences that doesn’t exist in reality.”

“If one projects this line of thinking, then to deter jaywalking we just need to increase the penalty for any miscreant who might be apprehended crossing in the wrong place,” continued Bergin.

At M-PAC’s statewide meeting on January 7, members concurred that the danger of this legislation is the term “gang,” which in Maine, according to advocates’ statewide experience and immersion in youth groups and prisons, is nearly nonexistent.

M-PAC concurs that a growing phenomenon of peer group affiliation exists internationally, whereby young people – by virtue of family circumstances, poverty, unemployment, lack of mentoring, or chemical addiction – seek attachment and identification outside the family. The problem of gang affiliation, as seen in some other states, arises when the peer group becomes involved in negative or criminal behavior to which the individual participants conform.

“In working with hundreds of inmates over many years,” says Judy Garvey, co-coordinator of M-PAC, “we see forms of group affiliation over and over again, but to date have not encountered a so-called ‘gang member’ in or outside of prison. Those on the outside and inside of prisons say this is not a problem for Maine. To define a peer group as a ‘gang’ because of tattoos copied from Facebook, or hand movements seen in movies or on YouTube, is erroneous; and to increase sentencing as a result of this provocative label would be costly, counterproductive, and damaging to communities. There are better options to preventing potential gang encroachment,” says Garvey.

Westbrook’s Police Chief Bill Baker said in August 2010: “I would even go so far to say there isn’t any visible or active gang activity in Westbrook. What there is is people with connections to the gangs, some of whom act badly in Westbrook and get prosecuted for crimes.”

At the same time, former Portland Police Chief James Craig said that he thought the gang situation in Portland was in its infancy. <http://www.pressherald.com/news/24-with-gang-links-arrested-in-maine-cities-during-sweep-2010-08-21.html>

In “Gang Myths & Realities,” a January 2010 story in the Bangor Daily News, Arlen Egly Jr., a senior research associate with the National Youth Gang Center in Tallahassee, Fla., said it’s important to distinguish gang activity from full-fledged gangs.

“Just because certain gang graffiti or tagging shows up in a public park in Bangor does not mean the Crips have set up shop,” he said in a recent phone interview. “Frequently, gang names are copied, adopted, or passed on, but in most instances, there is little, if any, real connection between local groups with the same name other than the name itself.” <http://bangordailynews.com/2010/02/05/news/bangor/gang-myths-vs-realities/>

Past news stories on possible gang-related activity in Maine have

centered on Asian, Sudanese, and Somali groups. M-PAC advocates are very apprehensive about the potential of subjecting Mainers to this kind of additional scrutiny based on race. “There is a great need for legislators to talk about what groups may be targeted during discussions of ‘gangs,’” says Bergin.

Who and what defines a “gang member?” Wording of this far-reaching bill would characterize a teenager as a gang member if he/she had a certain “style of dress or use of hand or other signs, tattoos or other physical markings.” Equally disturbing to human and civil rights advocates is the increased loss of privacy for society as a whole. Being defined as a gang member could be based on whether a person is identified as such by a “reliable informant” or perhaps lives in or visits a so-called gang’s neighborhood.

Rather than punitive and costly sentencing enhancements, M-PAC wants money put into proven mentoring and prevention programs. In a Seattle Times report, Javier Luna, 34, credited the complete turnaround in his life, even his survival, to a city of Seattle initiative that provided adult mentors, jobs and recreation to young gang members. "I got all of this because an individual gave me a chance and believed in me and the system allowed it," he said. http://seattletimes.nwsourc.com/html/localnews/2008726881_savedfromgangs10m.html

M-PAC wants to know which agencies will benefit from federal, state, DEA, or other funding if LD 1707 passes, and why this legislation – with far-reaching effects – is such an emergency. M-PAC also questions why “representatives of the US Armed Forces” are on the Maine Gang Task Force membership, as reported by Eric Berry, head of the task force.

Garvey summarizes, “When Mainers can’t afford to heat their homes, take care of their elders or pay for health care and schooling, state and federal taxes and law-enforcement resources should not be utilized to push up incarceration rates at a cost of \$40,000+ per person per year. Let’s look, instead, to resources available for mentoring programs that work. Maine should fund addiction rehabs and offer mentoring, internships, and employment to young people seeking identity and community. They won’t find that in any prison. Mainers are too sensible to simply take money handed out – with strings – that will end up costing far more than we can begin to imagine.”

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