

# Maine PRISONER ADVOCACY Coalition



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Dear members of the Criminal Records Review Committee,

The first time I came to Thomaston, where I now live, I was in shackles enroute to the old prison. I had made serious mistakes, destroyed my life and those around me and was paying my debt to society.

The way our legal system works, a court delivers a sentence. In my case that was six years in prison and four years' probation.

But that's not the way it **actually** works. The reality is that I received a life sentence.

The debt is never marked "paid" and criminal sentences go on forever because of public criminal records. In my case, hitting a stone wall in employment and in housing because of my criminal record.

In my work with the Prisoner Advocacy Coalition and the Reentry Network, I have worked with literally hundreds of returning citizens and have seen this struggle over and over again.

In employment. In housing. Even in access to recovery centers and other services. Did you know that a felony record disqualifies you from Match.com?

In our view, **public criminal records represent an unlawful, extra-legal sentence or punishment for crimes.** For no good reason.<sup>1</sup>

The burden falls most heavily on the [poor and racial and ethnic minorities](#) who are over-represented in Maine's prisons. The northern, poorest and most rural counties are also [over-represented in the Maine prisons](#) partly from the same dynamic.

And it goes on and on. FOREVER.

It's compounded by informal arrangements such as organizations asking their local police to do background checks—which come up with more than public confidential information.

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<sup>1</sup> For an excellent recent overview of the literature and research on these issues, see the John Jay College of Criminal Justice report, [Beyond the Record](#). See also a less recent but valuable set of literature reviews and materials from the ACLU, [Back To Business](#).

It's a life sentence. And that's not fair. **Most felons do not repeat.** Even among those with prison sentences, most do not re-offend. [According to the DOC](#), more than 70% of citizens returning from incarceration do **not** re-offend in the first three years after prison—the time of highest risk. So making records public is not fair to the 70%. And making records public did not stop the others from re-offending. It's simply not reasonable.

There is also very good evidence that recidivism is partly a [self-fulfilling prophecy](#). We predict that felons will reoffend and so we use public criminal records make employment and housing more difficult. That further increases the risk of their re-offending.

We know that making criminal records confidential actually [LOWERS the recidivism rate](#).

Those with criminal records who are hired generally make better employees. The [Center for American Progress](#),<sup>2</sup> hardly known for its liberalism, estimates that excluding these people from the workforce costs the economy billions of dollars. Including them is not only the right thing to do but benefits everyone.

[Mythologies we carry](#) about offending and re-offending compound the problem of public criminal records. For examples, severity of the previous crime is not a good predictor of the likelihood of recidivism or the nature of the new offense, “violent” criminals are not more likely to re-offend, and sexual offense criminals are comparatively unlikely to re-offend. [Maine DOC reports](#) are consistent with these findings.

1. For all these reasons, **we recommend making criminal records confidential in Maine** in Title 17, Chapter 7.
2. We also recommend strengthening the definition and penalties for breaching criminal records confidentiality in Title 17, Chapter 7.

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<sup>2</sup> Furthermore, expungement and sealing can benefit the economy by providing individuals with criminal records a second chance at employment. Economists estimate that the cost of barring these individuals from the workforce is roughly \$78 to \$87 billion in lost gross domestic product annually. One study found that putting to work just 100 of such individuals in Philadelphia would increase their lifetime earnings by \$55 million, income tax contributions by \$1.9 million, and sales tax contributions by \$770,000. <https://www.americanprogress.org/article/expunging-clearing-criminal-records/>