



Cumberland Police Department

Court Report for Incident 23-C05675

Court Date: Date Missing

Nature: Citizen Assist
Location: Cumberland West

Address: [REDACTED]

Received By: Poirier M **How Received:** Telephone **Agency:** 0310
Responding Officers: Schofield C - LaChance J - Rumsey C
Responsible Officers: Rumsey C **Disposition:** Active 08/10/23
When Reported: 10:12:52 08/10/23 **Occurred Between:** 10:12:52 08/10/23 and 10:15:35 08/10/23
Supervisor Appy:

Related Circumstances/Offenses

COMPLAINANT:

Name: Jordan, Scott W. **Name Number:** [REDACTED]
Race: W **Sex:** M **DOB:** [REDACTED] **Height:** 6'01" **Weight:** 200 **Hair:** BRO **Eyes:** HAZ
DL: [REDACTED] **ST:** ME
Add: [REDACTED]
Pri Phone: [REDACTED] **Sec Phone:** () -
Oth Phone(s):

Name: [REDACTED] **Name Number:** 1234460
Race: U **Sex:** M **DOB:** [REDACTED] **Height:** 5'11" **Weight:** 180 **Hair:** BRO **Eyes:** BRO
DL: [REDACTED] **ST:** ME
Add: [REDACTED]
Pri Phone: [REDACTED] **Sec Phone:** () -
Oth Phone(s): [REDACTED]

NARRATIVE:

On or about 08-10-23, [REDACTED] called dispatch to report concerns about pornographic material in the Greely High School library. Also on or about 08-10-23, Mr. Scott Jordan stopped into the PD lobby to speak with me and make a similar complaint. I was expecting Mr. Jordan's visit because of an email he sent to the Town Manager on 08-09-23 (attached).

When I spoke with Mr. Jordan in the lobby, he provided me with a copy of the book *Gender Queer*, and pointed out one particular page which he indicated was one of several that concerned him. The book appears to be a graphic novel, containing pictures that are drawn in cartoon fashion. The page Mr. Jordan showed me was sexually explicit. I later (briefly) reviewed the book and noted that the majority of the material is not sexually explicit but deals with the efforts of the character or characters to understand their gender identity. Mr. Jordan told me that he believed the material was pornographic and that he wanted me to investigate any potential violation of criminal law (I am paraphrasing here). Mr. Jordan left me with the book, and a printout of other books apparently available to students in the Greely High School library for access by students. I informed Mr. Jordan that I would investigate and get back to him.

Later that afternoon, I called [REDACTED] and let him know I would investigate and get back to him.

During the week of August 14th, I spoke with Assistant Attorney General Andrew Black of the Maine Attorney General's Office. I asked AAG Black if anyone in his office had experience with assessing similar complaints for potential violations of the law. He told me that no one had.

On August 21st, I called the Cumberland County District Attorney's Office and spoke with Assistant District Attorney Glenn Barnes regarding this matter. ADA Barnes informed me that based on his review of the relevant statutes, his office would not be prosecuting any case related to this matter.

Following my conversations with the AG's Office and the DA's Office, I reviewed Maine statutes under Title 17 and 17-A. None of the statutes appeared to fit the fact pattern of this case. The statute that may be the closest is Title 17, Section 2911, Dissemination of Obscene Matter to Minors. This is the statute that Mr. Jordan referenced in his email to the Town Manager on 08-09-23. Based on my review of that statute, I do not believe the portions of the book *Gender Queer* which are explicit are in violation, for the following reasons:

1. The definition for "obscene matter" is a three-part definition, requiring that all three parts be satisfied for material to be considered obscene. One portion of the definition which I do not believe is satisfied is the requirement that the matter, "considered as a whole, appeals to the prurient interest." The entirety of the book, as previously noted, deals with the efforts of the character or characters to understand their gender identity. "Prurient," as defined by the Oxford Dictionary (accessed online) means "having or encouraging an excessive interest in sexual matters." Although portions of the book are sexual, the totality is not.
2. For a person to be guilty of the dissemination of obscene matter as defined by statute, the material must have been adjudicated as obscene after a petition to the Superior Court, and then disseminated. This process has not been undertaken.

In closing, I do not believe that the behavior as alleged by the complainants is in violation of state law. I have spoken with both complainants to make them aware and have notified Mr. Jordan that he can pick up the book and library printout he provided me at his convenience.

Nothing further.

Involvements

Date	Type	Description	Relationship
08/21/23	Name	Jordan, Scott W	Complainant
08/10/23	Name	[REDACTED]	Complainant
08/10/23	Cad Call	10:12:52 08/10/23 Citizen Assist	Initiating Call