

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 2214, Part A, p. 123-124 – Ought Not to Pass

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025

Joint Standing Committees on Appropriations and Financial Affairs and Criminal Justice and Public Safety

February 29, 2024

Senator Rotundo, Representative Sachs, Senator Beebe-Center, Representative Salisbury and members of the Joint Standing Committees on Appropriations and Financial Affairs and Criminal Justice and Public Safety, good afternoon. My name is Michael Kebede and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we oppose the parts of LD 2214 that would increase the state's expenditure on law enforcement.

LD 2214 has many virtues. Its proposed investments in mobile crisis teams and a crisis receiving center, for example, would address some of the state's major mental health challenges. However, the budget's increased allocations to the Department of Public Safety would be better spent in the community, creating a continuum of care, increasing access to stable housing, and reducing barriers to quality health care for those who need it.

The Department of Public Safety Should Not Hire More Police
PART A (p. 123-124)

The governor's budget proposes to spend \$5.5 million (\$3.6 million from the general fund) to establish sixteen State Police trooper positions, four State Police corporal positions, three State Police detective positions, eight State Police sergeant positions, and one State Police major position. It is unclear why these

additional positions are necessary. Indeed, these new positions are all the more puzzling given that, according to the Criminal Justice Academy, there are currently hundreds of unfilled full-time law enforcement positions throughout the state.¹

Over the past several years, our state and our nation have closely examined the efficacy of turning law enforcement officers into first responders to behavioral and mental health crises. To read the Maine Attorney General's Deadly Force Review Panel reports is to read story after story of the state responding with lethal violence to unaddressed mental and behavioral illnesses.² If Maine had invested heavily in its mental and behavioral health infrastructure, perhaps there would have been fewer lethal confrontations between police and people in crisis. Dallas Police Chief David Brown said it best:

“We’re asking cops to do too much in this country,” . . . “We are. Every societal failure, we put it off on the cops to solve. Not enough mental health funding, let the cops handle it. . . . Here in Dallas we got a loose dog problem; let’s have the cops chase loose dogs. Schools fail, let’s give it to the cops. . . . That’s too much to ask. Policing was never meant to solve all those problems.”³

Maine conforms to this national picture. The overwhelming share of police work throughout Maine towns and cities does not require the use of force, but instead more closely resembles healthcare or social work. For example, in Westbrook, only 0.43% of 911 calls in 2019 resulted in a use of force.⁴ In Portland, police officers used force in only 0.13% of 911 calls in 2019.⁵ Every Maine municipal and state law enforcement workload analysis has found something similar: at least nine

¹ John Terhune, *Maine law enforcement agencies struggle to get new recruits in the door*, Press Herald, Jan. 7, 2024, available at <https://www.pressherald.com/2024/01/07/maine-law-enforcement-agencies-struggle-to-get-new-recruits-in-the-door/#:~:text=Officials%20say%20it's%20a%20similar,the%20Maine%20Criminal%20Justice%20Academy>.

² Available here: <https://www.maine.gov/ag/news/index.shtml>

³ Brady Dennis, Mark Berman and Elahe Izadi, *Dallas police chief says ‘we’re asking cops to do too much in this country’*, WashPo, Jul. 11, 2016, available at <https://www.washingtonpost.com/news/post-nation/wp/2016/07/11/grief-and-anger-continue-after-dallas-attacks-and-police-shootings-as-debate-rages-over-policing/>

⁴ Meredith Emigh-Gyu, Ph.D, AN EXAMINATION OF FORCE USED BY WESTBROOK PD IN 2019, available at, https://www.westbrookmaine.com/AgendaCenter/ViewFile/Agenda/_12212020-653.

⁵ Portland Police Department, *Post Protest Discussion Of PPD Policies, Procedures & Training*, City of Portland HHS/Public Safety Subcommittee June 9, 2020, at 13, available at <https://portlandme.portal.civicclerk.com/event/1394/files/agenda/2887>.

times out of ten, calls for police service do not actually call for an armed response. Another response would be just as, if not more, adequate.

Three years ago, Mallory Shaughnessy, executive director of the Alliance for Addiction and Mental Health Services, Maine testified to the HHS committee:

As a member of the 2019 Working Group on Mental Health and specifically a member of the crisis services subgroup, I can tell you that the discussion with the task force quickly went to the gaps in our system of care for those struggling with mental illness in crisis. It also went to the unfortunate intersection of law enforcement and the mentally ill in our communities. . . . Too often, when someone has a mental health crisis, the only response available is to call law enforcement.

[O]ur law enforcement community does not know what to do when they come across someone in a mental health crisis in the middle of the night[,] that the Crisis Stabilization Units are too few and far between, and that mobile response is largely nonexistent across the state of Maine.”⁶

Maine ranks 9th worst in the nation for prevalence of mental illnesses,⁷ 20th worst for adults with a mental illness who did not receive treatment, and 9th worst for adults with mental illness who are uninsured.⁸ This committee, and the Maine Legislature, should invest more in upstream solutions to untreated mental and behavioral illness, rather than in more policing.

Conclusion

This legislature is charged with crafting a budget during a time of unprecedented opportunity and abundant resources. We applaud the governor for her clear interest in funding our crisis services, housing, and healthcare systems. However, much more investment is needed, and it must be paired with a divestment from our policing systems. Such divestment would improve the lives of our state’s most vulnerable people.

⁶ *Testimony in support of LD 968 Resolve, To Expand Mental Health Crisis Intervention Mobile Response Services*, April 12, 2021, available at legislature.maine.gov/testimony/resources/HHS20210412Shaughnessy132626798386673276.pdf.

⁷ Reinert, M, Fritze, D. & Nguyen, T. (October 2022). “*The State of Mental Health in America 2023*” *Mental Health America*, Alexandria VA., at 13, available at <https://mhanational.org/sites/default/files/2023-State-of-Mental-Health-in-America-Report.pdf>.

⁸ *Id.* at 21.