

TESTIMONY OF ALICIA REA, ESQ.

LD 210, Part A, p. 362, 378, 600 – 602 Ought Not to Pass

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027

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

February 4, 2025

Senator Rotundo, Representative Gattine, Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committees on Appropriations and Financial Affairs and Criminal Justice and Public Safety, good afternoon. My name is Alicia Rea and I am a Policy Fellow 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 210 that would increase the state's expenditure on law enforcement.

In the context of revenue shortfalls, this proposed budget makes some commendable investments. For example, its investment of \$1.5 million in FY26 and \$2.5 million in FY27 for Therapeutic Foster Care and Therapeutic Intensive Homes are a necessary step in the state's transition away from incarcerating youth. 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. Moreover, elimination of funding for some crisis receiving centers would move the state away from a proven solution to our mental health crisis.

The Department of Public Safety Should Not Hire More Police

PART A (p. 600-602)

The governor's budget proposes to spend more than one million dollars in new appropriations to establish four State Police Detective Corporal positions, one State

Police Lieutenant position, and three State Police Specialist positions. It is unclear why these additional positions are necessary. These new positions are all the more puzzling given vacancies in our law enforcement jobs.¹² More troubling is the overall growth of the Department of Public Safety's budget from \$43.6 million in FY23-24 to a proposed budget of over \$60 million for FY25-26.

Over the past several years, our state and our nation have closely examined the efficacy of asking law enforcement officers to act as first responders for behavioral and mental health crises. The Maine Attorney General's Deadly Force Review Panel reports tell story after story of the state responding with lethal violence to unaddressed mental and behavioral illnesses.³ If Maine had invested in its mental and behavioral health infrastructure, perhaps there would have been fewer lethal confrontations between police and people in crisis. In the words of Dallas Police Chief David Brown:

"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."⁴

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.⁵ In Portland,

² 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.>

³ Available here: <https://www.maine.gov/ag/news/index.shtml>

⁴ 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/>

⁵ 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.

police officers used force in only 0.13% of 911 calls in 2019.⁶ Every Maine municipal and state law enforcement workload analysis has found something similar: at least ninety percent of the time, calls for police service do not actually call for an armed response. Another response would be just as, if not more, appropriate.

Four 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.”⁷

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

All Funding for Crisis Receiving Centers Should be Preserved PART A (p. 362, 378)

⁶ 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>.

⁷ *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.

⁸ 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>.

⁹ *Id.* at 21.

The governor's budget proposes to eliminate funding for crisis receiving centers in Aroostook and Kennebec Counties. This proposal would help maintain jails as Maine's *de facto* providers of mental and behavioral health services. Jails are generally more expensive than highly localized, specialized institutions like crisis receiving centers, so the elimination of funding for crisis receiving centers is a lost savings opportunity. As institutions that connect people in crisis to services such as housing and various kinds of support specialists, crisis receiving centers serve a vital role in increasing the wellness of our state. We urge you to maintain this funding.

Conclusion

This legislature is charged with crafting a budget during a time of limited resources. We applaud the governor for her clear interest in funding schools and certain youth support services. However, the committees should scrutinize the basis for ever-increasing funding for the Department of Public Safety and reject reduced funding for crisis receiving centers.