



TESTIMONY OF ALICIA REA, ESQ.  
LD 740 – Ought to Pass

**An Act to Establish a Comprehensive Program to Divert Youth from  
the Criminal Justice System and Address Their Needs**

Joint Standing Committee on  
Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. 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, I urge you to support LD 740.

This committee is charged with creating policy that best promotes public safety and public accountability. In the context of crime committed by youth, evidence has increasingly shown that adolescent brain development is a key reason that youth engage in behavior that harms others. A long line of United States Supreme Court cases address juvenile development in the context of crime and punishment, leading the court to observe that: “as any parent knows and as the sociological studies . . . tend to confirm, a lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.”<sup>1</sup>

Because of their lesser culpability than adults, and the growing body of science showing just how harmful incarceration is to a developing child,<sup>2</sup> Maine and other states have made increased efforts to divert children out of the criminal justice system while teaching accountability or providing treatment for behavioral health or problematic substance use.

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<sup>1</sup> *Roper v. Simmons*, 543 U.S. 551, 569 (2005) (citing *Johnson v. Texas*, 509 U.S. 350, 367 (1993); see also *Eddings v. Oklahoma*, 455 U.S. 104, 115-16 (1982)).

<sup>2</sup> Richard Mendel, *Protect and Redirect: America’s Growing Movement to Divert Youth Out of the Justice System* (Mar. 2024), available at <https://www.sentencingproject.org/publications/protect-and-redirect-americas-growing-movement-to-divert-youth-out-of-the-justice-system/>.



LD 740 would promote the important policy goal of encouraging law enforcement officers, including juvenile community corrections officers, to refer kids for needs assessments. These needs assessments will help identify the supports and services needed to promote child and family well-being. During my time in the Youth Justice Clinic at Maine Law, I represented numerous juvenile clients. While their circumstances and charges varied, there was a common theme among the kids—they were all terrified of the possible outcomes of their case and needed community supports to access medical care, mental health services, and educational services. By providing a diversion option to law enforcement and JCCOs, children who cause harm can be kept out of the criminal legal system, given the tools they need to repair harm in their communities, and achieve the goals of the Maine Juvenile Code: preparing them to be a part of their communities.<sup>3</sup>

In the name of healthier communities, child development, and the continued protection of constitutional rights, we urge you to vote ought to pass on LD 740.

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<sup>3</sup> 15 M.R.S. §3002.