



AMERICAN CIVIL LIBERTIES UNION

Maine

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TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought to Pass - LD 1543

**Resolve, to Establish the Commission to Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails**

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE & PUBLIC SAFETY

April 25, 2023

Senator Beebe-Center, Representative Salisbury, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, greetings. My name is Michael Kebede, and I am the Policy Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support this bill.

If enacted, this bill would establish a commission to study violence in Maine jails and prisons, and to recommend solutions. The commission would include a bipartisan and broadly representative group of fifteen members, each chosen for their unique perspective on the persistent problem of violence in correctional facilities.

The Bill of Rights imposes a duty on all states to protect people in jails and prisons, where “the government's power is at its apex.” *Johnson v. California*, 543 U.S. 499, 511 (2005). Indeed, “[t]he whole point of the [eighth] amendment is to protect persons convicted of crimes.” *Spain v. Procnier*, 600 F.2d 189, 194 (9th Cir. 1979). Unfortunately, violence has long plagued Maine jails and prisons. Multiple news outlets have recently reported on mysterious and unaccounted-for deaths,<sup>1</sup> “a culture of abuse within Maine State Prison,”<sup>2</sup> and “a series of violent incidents at the youth prison in August and September” of 2021.<sup>3</sup> Importantly, whenever

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<sup>1</sup> See, e.g., Christopher Williams, *Inmate dies at Auburn jail*, July 24, 2020, Sun Journal, available at <https://www.sunjournal.com/2020/07/24/inmate-dies-at-auburn-jail/?auth0Authentication=true>

<sup>2</sup> Evan Popp, *Man incarcerated at Maine State Prison alleges culture of abuse within facility*, April 11, 2022, The Beacon, available at <https://mainebeacon.com/man-incarcerated-at-maine-state-prison-alleges-culture-of-abuse-within-facility/>

<sup>3</sup> Susan Sharon, *Staffing shortages, boredom contribute to violent incidents at Maine's youth prison, report finds*, Dec. 9, 2021, Maine Public, available at <https://www.mainepublic.org/news/2021-12-09/staffing-shortages-boredom-contribute-to-violent-incident-at-maines-youth-prison-report-finds>

someone is subjected to what the Department of Corrections calls “restrictive housing,” and what some observers call solitary confinement, the official justification is often that the incarcerated person was involved in a violent incident.<sup>4</sup> By helping the state address the root causes of violence in correctional settings, this bill will help Maine end solitary confinement, which imposes an “immense amount of torture and agony” on prisoners. *Apodaca v. Raemisch*, 139 S. Ct. 5, 10 (2018) (Sotomayor, J., respecting denial of certiorari). Because this bill will make jails and prisons safer, and help Maine abide by its duties to those in its custody, we urge you to vote *ought to pass*.

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<sup>4</sup> Phil Hirschorn, *Maine state prison officials say they've reduced solitary confinement to a memory*, Jun 1, 2022, WMTW, available at <https://www.wmtw.com/article/maine-state-prison-officials-say-theyve-reduced-solitary-confinement-to-a-memory/40171183#:~:text=In%20the%20maximum-security%20Maine,according%20to%20state%20corrections%20officials>.