

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 419 – Neither For Nor Against

An Act Regarding Participation in Public Works Projects by Pretrial Inmates

Joint Standing Committee on Criminal Justice
and Public Safety

February 24, 2021

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Counsel of 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 am here to testify neither for nor against this bill.

A culture of punishment, combined with race- and class-based discrimination, has led the United States to rely on incarceration more heavily than any other country in the world does. The politicization of criminal justice policy and a lack of evidence-based assessment result in a one-way ratchet in which law and policy grow ever more punitive. The human and financial costs of mass incarceration are staggering, and the burden falls disproportionately on the poor and people of color. However, the recent fiscal crisis and years of falling crime rates have combined to create the best opportunity in decades to challenge our nation's addiction to incarceration.

Improving the quality of life for people in jail awaiting trial is one way to reduce the barbaric impacts of our carceral system. This bill could give those people a chance to take part in public works-related projects or in the improvement of property owned by charitable organizations in Maine. Unlike a person serving a sentence in jail, a person in jail pre-trial is still legally innocent. For that reason, participation in such a project must be completely voluntary and not coerced nor mandated in order for it to be legal. We are testifying neither for nor against because it is unclear from the way the bill and the law are written whether pre-trial inmates' participation in public works projects would be completely voluntary.

Thank you for your attention.