

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 1298 – Ought To Pass

An Act To Provide Funds for Community-based Substance Use Disorder Treatment and Recovery Services and To Reduce by Half the Funding for the Maine Drug Enforcement Agency

Joint Standing Committee on
Criminal Justice and Public Safety

May 12, 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 the ACLU of Maine, we urge you to vote that LD 1298 *ought to pass*. Over the two years, the Legislature has enacted multiple pieces of bipartisan legislation to address Maine’s overdose death crisis. Each of these policies moves closer to a recognition that Mainers who have substance use disorders need treatment, not jail. This bill represents an important step on that path.

The most recent eruption of protests across the U.S. and in our own state have laid bare a central flaw in our government: we have relied on the policing institutions in our country to solve challenges better suited to our healthcare, housing, and educational systems. White Mainers have suffered as a result, but nonwhite Mainers, poor Mainers, and Mainers with disabilities have suffered most acutely. We cannot allow this to continue; we must divest from our failed criminal legal systems and invest in systems designed to meet people’s needs.

Substance use disorder cannot and will not be solved with prison sentences. Evidence shows that treatment works much better than repeatedly arresting and convicting a person for drug offenses. When people have access to treatment, they do better. Moreover, the “kingpin” is more a creature of our imaginations than of lived experience; people who sell drugs almost always also use drugs. By transferring resources from the punishment arms of our government to the healing arms of our government, this bill gets at the root cause of our overdose crisis, which last year took more lives than the coronavirus pandemic.

Too often, individuals with substance use disorder are treated not as people but as problems. We cage and shame people and lay the blame at their feet, saying they deserve punishment because they broke the law. This approach ignores the fact that substance use disorders are not a moral failing but result from a wide range of psychosocial factors, and that it is not as simple as making a choice to either follow or to break the law. The opposite of drug use is not moral integrity. The opposite of drug use is connection: connection with oneself and healthy connection with others.

Years of study show that in our current system, arrests or jail time actually increase a person's likelihood of future contact with the legal system. Each time a Mainer is arrested and convicted, their chances of coming into future contact with the system increases. The result has been a tragic trend towards mass criminalization and imprisonment of people who are predominantly poor, and who predominantly have substance use disorders and other mental illnesses. When thousands of Mainers go through the same motions each year, it's time to stop focusing on individual fault and moral failing, and to start looking at the system as a whole. We must acknowledge that our approach is causing these cycles of incarceration.

Things can be different. The evidence shows that people are shaped by circumstances. Effective policymaking, then, demands that we focus on changing circumstances, not people. This means pulling our money out of failed systems and creating more alternatives. This reinvestment is not only more effective and efficient; it is fairer and more humane. This bill would do exactly that. We urge you to vote *ought to pass*.