

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 1607 – Ought Not to Pass

An Act To Criminalize Calls Made to Emergency Services Based on Racial Profiling

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 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 urge the committee to reject section 2 of LD 1607.

Our country has had a long and disturbing history of using police to enforce social and economic hierarchies. It is undeniable that some Americans incite police against members of marginalized communities for no reason other than to put that person in their place. Amy Cooper's notorious 9-1-1 call in New York's Central Park last summer to report Christian Cooper, an African American birdwatcher, vividly illustrated this notorious practice. We are sympathetic to the desire to punish people like Ms. Cooper for misusing law enforcement.

However, the committee must reject this bill. Police, prisons, and the criminal legal system are not the way to solve this extremely serious problem. We often stand before this committee and object to the creation of new crimes because creating felonies does not stop abhorrent behavior or address its underlying root causes. This bill is no different. If enacted, section 2 of this bill would make it a Class D crime to call the police due to race-based profiling. Creating a new crime

will not keep marginalized people safe. Indeed, people who harm because of hate do not learn their lesson in prison, instead they often double-down on these views.¹

There are forms of dispute resolution better suited to this problem. We urge you to learn about, and to fund and support, transformative justice practices in Maine. Let us remember that Christian Cooper himself declined to cooperate with prosecutors and press charges against Amy Cooper. Let us follow his lead and think outside the criminal legal system.

We urge you to vote *ought not to pass*, but we do not object to other provisions of this bill.

¹ See, e.g., David Pyrooz & Scott H. Decker, *We spoke to hundreds of prison gang members – here’s what they said about life behind bars*, The Conversation, Apr. 3, 2020, available at <https://theconversation.com/we-spoke-to-hundreds-of-prison-gang-members-heres-what-they-said-about-life-behind-bars-132573> (discussing the prevalence and power of gangs in prison, where “ideology was also important [reasoning to join a gang], such as race supremacy or vigilantism”).