

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought to Pass - LD 1721

An Act Regarding Dignity for Women in Correctional Facilities

Submitted to the

JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE & PUBLIC SAFETY

February 18, 2022

Senator Deschambault, Representative Warren, 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 LD 1721 that would ensure that women incarcerated in Maine are treated more humanely.

If enacted, this bill would require the Department of Health and Human Services (“DHHS”) to publish annual reports on the number and case specifics of children served by the DHHS’s Office of Child and Family Services (“OCFS”), including where DHHS is in the reunification process of children with incarcerated parents. This bill would also establish a board of visitors for women’s services to serve incarcerated women in all of Maine’s correctional facilities, in addition to expanding the board of visitors for every jail in Maine to include a person who has experience with OCFS. Moreover, this bill would ban Maine’s correctional facilities from billing an indigent people in prison or jail custody for future payment of services and medications; expand visitation opportunities for incarcerated women; require the presence of a female corrections officer during the transportation of a female prisoner to and from medical appointments; and require the DOC to provide OCFS contact information to incarcerated women, and ensure that incarcerated women are not charged for contact with OCFS.

Although Maine’s prisons and jails are overwhelmingly filled with men, the number of women the state incarcerates has climbed astronomically over the past fifty years. According to

the Vera Institute, the number of women in Maine's *jails* has increased more than 64-fold in the last fifty years, from 4 in 1970 to 258 in 2015.¹ The number of women in Maine's *prisons* has increased more than 15-fold in the last forty years, from 10 in 1978 to 152 in 2017.² The ACLU supports each provision of this bill, even though it would not tackle the staggering increase in the number of women Maine incarcerates. What this bill would do is ensure that the women in the custody of the Maine Department of Corrections, and their family members, are treated with greater dignity.

Although we support this bill as written, we wish to point out an opportunity to improve the bill. Namely, the section of this bill that would ban Maine's correctional facilities from billing *indigent* people in correctional custody for future payment of services and medications should be extended to all incarcerated persons, regardless of income. This change would make it easier to apply this section in practice by removing the need to determine indigency each time a correctional facility wants to charge an incarcerated person. It would also ensure that the state, the appropriate institution, pays for the medical needs of the people in its custody.

We urge you to vote *ought to pass*.

¹ State Incarceration Trends: Maine, *Vera Institute*, at 2, available at <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maine.pdf>

² *Id.*