

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought to Pass - LD 756

**An Act Regarding Criminal Services for Juveniles**

Submitted to the

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE & PUBLIC SAFETY

March 4, 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 756.

For too many Maine children, the juvenile justice system has become a place where children who need expert and specialized care do not receive appropriate behavioral and mental health services. Two years ago, a report from the Center for Children’s Law and Policy (“CCLP”) found that “[i]n 53% of cases, the reason for detention [at Long Creek] was to ‘provide care’ for youth,”<sup>1</sup> and that “72.7% of detention stays lasting longer than 30 days were for youth awaiting placement.”<sup>2</sup> Moreover, the report showed that public safety is often not the primary reason for detention: “[i]n 47% of cases, youth were held in detention for 3 days or less, suggesting they were not significant public safety risks”<sup>3</sup> and “low risk youth staying

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<sup>1</sup> Maine Juvenile Justice System Assessment Final Report at 8, Center for Children’s Law and Policy et al. (2020) (hereinafter 2020 CCLP Report), *available at* <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>; *see also* Maine Juvenile Justice System Assessment & Reinvestment Task Force, Website, *available at* [www.mainejjtaskforce.org/about](http://www.mainejjtaskforce.org/about). The taskforce was created by the 129<sup>th</sup> Legislature’s LD 1108, which is *available at* <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0812&item=1&snum=129>

<sup>2</sup> 2020 CCLP Report at 37.

<sup>3</sup> 2020 CCLP Report at 8.

substantially longer than high risk youth.”<sup>4</sup> In short, we knew two years ago that we are sending kids to prison because of the lack of community-based programs and services to provide supervision or housing. Now we also know that we subject those kids to pepper spray, tasers, and prone restraints.

Another major finding from the CCLP’s last report is that an overwhelming proportion of incarcerated youth have a recent history of mental or behavioral health difficulties. The report found that 69 percent of youth who were committed to Long Creek received behavioral health services through MaineCare the year before they were committed, with 55 percent having experienced residential stays and 16 percent psychiatric hospital stays (some youth experienced both).<sup>5</sup> Then and now, the juvenile justice system has become the system expected to provide behavioral and mental health services for Maine youth. However, the justice system is not equipped, nor intended, to be a healthcare provider. To remedy this problem, the CCLP report recommended strengthening the continuum of community health programs. This bill would do just that.

If enacted, this bill would allocate \$12 million in new appropriations for the continuum of care for young people in Maine. \$7 million would go to the Departments of Health and Human Services, Education, and Labor to expand child and juvenile services in youth development, crisis response, mental health, peer support, restorative justice services, trauma-responsive services, and services for victims of gender-based violence. \$4 million would fund the Department of Health and Human Services to expand housing and related resources for minors and young adults, including, transitional housing, emergency shelter and/or mobile respite beds, host homes and rental assistance for minors, young adults, and/or their caregivers. The final \$1 million would fund a pilot program in the Office of Policy Innovation and the Future. This pilot program is to be administered by an independent, nonprofit community-based organization or collaborative of organizations that, with input from local community members, organizers, cultural practitioners and small community-based organizations, will distribute funds to small-

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<sup>4</sup> 2020 CCLP Report at 8.

<sup>5</sup> 2020 CCLP Report at 50, 105-106.

community based organizations and similar entities to establish or support community-based services.

The juvenile justice system has not provided much-needed health care for Maine's children, and it is time to try a new way. Each of the investments proposed by this legislation will pay dividends in youth health and healing and avoid traumatization and entrenchment in the criminal legal system. We urge you to vote *ought to pass*.