

**Maine Juvenile Justice Advisory Group**  
*Juvenile Justice System Assessment and Reinvestment Task Force*

***Resolve,***

***Establishing the Maine Juvenile Justice System Assessment and Reinvestment Task Force***

**Whereas**, the Maine Juvenile Justice Advisory Group (JJAG) seeks to improve Maine’s juvenile justice system and organizes its work around a [three year plan](#), which currently identifies three areas of need: a) Maine lacks sufficient reliable data regarding effectiveness of efforts to prevent delinquent behavior and respond to youth needs; b) Maine lacks effective community based alternatives to traditional juvenile justice system involvement; and c) Maine lacks a unified approach to defining and addressing the factors contributing to delinquent behavior based on current research and best practices; and

**Whereas**, in June 2010, the Maine Juvenile Justice Task Force issued a report titled “[An Integrated Approach to Transforming Maine’s Juvenile Justice System](#)”. This was the last time that Maine looked comprehensively and across systems at the functioning of our juvenile justice system. Some of the recommendations have been implemented, leading to significantly fewer youth in secure facilities. But there is general agreement that Maine still has work to do regarding recommendations around ensuring that Maine youth have access to a robust continuum of community based services. The report identified the following three critical areas for reform: “an increase in the availability of quality and cost effective programs; straightforward and transparent access to these programs for youth in need; and increased coordination between agencies and stakeholders to better utilize resources in the service of all Maine youth”; and

**Whereas**, a September 2017 [conditions assessment](#) of Long Creek Youth Development Center, completed by the Center for Children’s Law and Policy, recommended that Maine conduct: “a comprehensive review of the effectiveness of Maine’s juvenile justice system to determine which policies and practices are hindering achieving an efficient and effective system in the state. This review should include looking at the practices of juvenile justice stakeholders.... This review should also examine the policies and practices of other agencies that have significant responsibility in meeting the needs of at risk youth, such as the Department of Health and Human Services. This review should include an evaluation of the existing service array for youth, including identification of any gaps in services and an assessment of the quality and effectiveness of existing services”; and

**Whereas**, in November 2017, the Justice Policy Program at the University of Southern Maine and the Maine Center for Juvenile Policy and Law hosted a summit with over one hundred local youth justice practitioners and stakeholders. A January 2018 summary of the [recommendations](#) from this summit echoed the call for a comprehensive system review “to assess needs and service gaps. The review would cover all system policies and practices including all agencies that serve at-risk-youth (including DHHS), as well as stakeholders like law enforcement, judges, prosecutors, defense attorneys, youth and family members”; and

**Whereas**, in March 2019, the Justice Policy Program at the University of Southern Maine and the Maine Center for Juvenile Policy and Law at the University of Maine School of Law issued a report entitled “[Place Matters: Aligning Investments in a Community-Based Continuum of Care for Maine Youth Transitioning to Adulthood](#)”, which reiterated the need for system and facility

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assessments that “examine the policies and practices of facilities, agencies, and departments; review the array of services and programs being funded; determine what is effective; and identify where there are gaps. Assessments can include budgeting tools like forecasting, which predicts budgetary and resource needs by analyzing historical trends and making data-informed predictions that also take into consideration the input of relevant stakeholders.” The report concluded that “policymakers must take aligned action on increasing the scope and scale of community-based services for transition-aged youth in a way that builds on the strength of communities, the best available data, national research and models, and local expertise”; and

**Whereas**, in March 2019, Representative Michael F. Brennan introduced to Maine’s 129<sup>th</sup> Legislature, LD 1108 “[Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth](#)”, which would establish a task force to, among other things: “Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally”; “seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the juvenile justice system”; “develop a plan to close the Long Creek Youth Development Center”; and “develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.” In addition, LD 1108 provides that the task force “shall conduct an analysis to determine the potential reinvestment of current youth incarceration funds into community-based programming focused on those communities most affected by youth incarceration, including a review of residential placement options to ensure those out-of-home placements are appropriate and demonstrate positive outcomes for youth; and

**Whereas**, the JJAG agrees the Maine Legislature should have a full understanding of the options available to youth at risk of or involved in the juvenile justice system in order to create effective policy that best supports positive development and healthy outcomes for youth in the state; and

**Whereas**, the JJAG agrees that a comprehensive assessment of the effectiveness of Maine’s juvenile justice system is needed in order to ensure reform and reinvestment efforts are targeted appropriately. The JJAG also agrees that this assessment must begin with an examination of the existing service array for youth, including identification of any gaps in services, and an assessment of the quality and effectiveness of existing services. And the JJAG agrees that decisions about reinvestment must be made with a focus on creating a continuum of community based, and research based, interventions and supports; and

**Whereas**, in April 2018, the JJAG voted to commit up to \$300,000.00 to obtain a comprehensive assessment of Maine’s juvenile justice system and to create a task force to oversee the assessment. At that time, the JJAG directed its Executive Committee to determine whether sufficient cooperation with the assessment could be expected from necessary partners, including the Department of Corrections and the Department of Health and Human Services; and

**Whereas**, the JJAG Executive Committee determined the cooperation needed to complete the type of comprehensive assessment necessary was not available in 2018 and, as a result, that up to

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\$25,000.00 of the amount designated for the assessment should be used to lay the groundwork for a comprehensive assessment to be completed if and when circumstances would allow; and

**Whereas**, this preliminary work confirmed that a comprehensive assessment would best be conducted through the establishment of a task force, supported by a third party researcher and facilitator; and

**Whereas**, the JJAG has determined that the current administration is willing to fully cooperate with a comprehensive assessment of the juvenile justice system;

**Whereas**, the JJAG has determined that a task force should be established to conduct an assessment of Maine’s juvenile justice system, to include a review of other systems that feed into the juvenile justice system, including education, health and human services, and public safety, and to make recommendations for improving the efficiency and effectiveness of the system, including how dollars currently used for incarceration could be reinvested in community based alternatives, to inform a reinvestment plan that ensures resources match the needs of youth and their communities; and, now,

**Therefore**, be it resolved that:

1. The *Maine Juvenile Justice System Assessment and Reinvestment Task Force* “the task force” is established by the JJAG, in collaboration with the Maine Department of Corrections and the Maine Legislature;
2. The task force shall be led by: Representative Michael F. Brennan; DOC Commissioner Randy Liberty (or his designee); and Jill Ward of the Maine Center for Juvenile Policy and Law [and the Juvenile Justice Advisory Group], hereinafter “the tri-chairs”;
3. The task force shall consist of up to thirty (30) members, appointed as follows:
  - a. Chief Justice of the Maine Supreme Judicial Court (or designee);
  - b. Up to eight (8) legislative members (appointed by the President of the Senate and the Speaker of the House);
  - c. Commissioner of the Maine Department of Corrections (or designee)
  - d. Commissioner of the Maine Department of Health and Human Services (or designee)
  - e. Commissioner of the Maine Department of Education (or designee)
  - f. Commissioner of the Maine Department of Public Safety (or designee)
  - g. Commissioner of the Maine Department of Labor (or designee); and
  - h. Up to sixteen (16) additional seats, appointed by the JJAG Executive Committee, including, but not limited to, a/an:
    - i. prosecutor with significant experience in juvenile matters;
    - ii. defense attorney with significant experience in juvenile matters;
    - iii. medical and/or mental health professional with significant experience working with youth involved in the juvenile justice system;
    - iv. expert in juvenile law and policy working in the academic/non-profit

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- sector;
- v. representative of the social service provider community that provides services to youth outside of state facilities;
  - vi. representative of a non-profit that supports justice system involved youth both inside and outside of state facilities;
  - vii. representative of a non-profit civil rights organization that advocates for youth in the juvenile justice system;
  - viii. representative of Maine’s protection and advocacy agency for people with disabilities;
  - ix. representative of a non-profit organization that advocates for LGBTQ youth in the juvenile justice system;
  - x. individual with current or past involvement in the juvenile justice system;
  - xi. family member of an individual with current or past involvement in the juvenile justice system; and
  - xii. individual with significant experience working in restorative justice with youth involved in the juvenile justice system; and
  - xiii. individual with significant experience identifying and addressing the issues of substance abuse; and
  - xiv. individual with significant experience representing the interests of victims; and
  - xv. individual with significant experience identifying and addressing the issues of immigrant youth and racial equity.
4. The tri-chairs will, in consultation and coordination with the executive committee of the JJAG, work to ensure that additional members of the task force are appointed and/or designated by May 15, 2019;
  5. The tri-chairs of the task force will have the discretion to appoint individuals to participate as nonvoting members of the task force as needed.
  6. The tri-chairs shall have the power to manage the task force process, including: set agendas; convene meetings; issue reports; provide guidance, direction and feedback to any consultants retained by or on behalf of the Task Force; and such other actions as are necessary to support the work of the Task Force.
  7. The JJAG shall ensure that the task force is fully supported by a team of content area experts to provide research, writing, and facilitation support. The JJAG is authorized to issue an RFP for these services and to otherwise direct the remaining \$275,000.00 set aside by the JJAG to complete this assessment;
  8. The task force will meet monthly, or as determined by the tri-chairs, beginning in May/June 2019, and will hold at least 3 public hearings (one in each of the three DOC Regions) to gather input. Input will also be gathered through other mechanisms as determined by the task force, including surveys, individual conversations and written testimony/comments; and

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9. The task force shall, with the support of a third party researcher and facilitator, conduct an assessment of Maine’s juvenile justice system, to include a review of other systems that feed into the juvenile justice system, including education, health and human services, and public safety. The task force shall prepare a report that includes its findings and recommendations, including suggested legislation for presentation to the Second Regular Session of the 129th Legislature, in January 2020. This assessment shall be sufficient to:
  - a. Identify the fundamental goals and values of the juvenile justice system;
  - b. Examine the needs of youth involved in the juvenile justice system by collecting data and conducting analyses, to the extent possible, all relevant factors, including but not limited to the following : age, race, ethnicity, gender, LGBTQ status, whether they have a disability, whether they speak English as a second language, educational status - including whether they have an educational disability, and family status; and by using the data collected to conduct analyses, as allowed by the data, which may include the following: examining the relationship of demographics to offense, violation of terms of supervision, or other reasons the youth entered the system; examining the effectiveness of current detention screening practices at limiting detention to youth who are likely to reoffend or fail to appear; examining criminogenic risk of current system involved youth; examining needs related to mental health treatment, substance abuse, special education, health, and treatment for problem sexual behaviors; examining educational needs; examining the level of family involvement; and analyzing trends regarding decisions for secure detention or confinement; and
  - c. Identify and analyze current system responses to system involved youth, both prior to and following their contact with the system. This process will include, but is not limited to: an examination of how the system currently operates, identifying key decision points; identifying policies and practices that guide the system; identifying how the system currently determines risk and needs for individual youth; identifying the programs available now for youth in the system; identifying the capacity of existing programs to meet the needs of youth in the system; identifying the nature of family involvement; exploring the effectiveness of existing programs with regard to community safety and short term/long term youth outcomes; and identifying gaps in the continuum of community based placements available for youth; and
  - d. Review funding streams and costs, and identify and examine potential reforms, including, but not limited to: whether there are programs and responses, not currently in use in Maine, that might improve effectiveness and efficiency in the system; how other systems, such as DHHS and DOE, should be involved in efforts to improve the efficiency and effectiveness of the juvenile justice system; ways to increase developmentally appropriate responses and methods to enhance positive youth development; methods for enhancing efforts to promote successful

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reentry for system involved youth; methods to increase transparency and accountability; whether Medicaid or other federal programs might play a role in supporting system reforms; and how dollars currently used for incarceration could be effectively reinvested in community based alternatives, to inform a reinvestment plan that ensures resources match the needs of youth and their communities; and

10. The task force shall ensure that all assessment data activities described above will include a thorough assessment of race, gender and disability status, and whether the youth is also involved in the child welfare system, including a decision point analysis that focuses on differential experiences of youth according to these characteristics and combination thereof. All analysis of policy, procedure and resources, as well as planning for resource investments will also consider youth needs across these characteristics.