

Maine Juvenile Justice System Assessment and Reinvestment Task Force: Summary of Preliminary Findings and Recommendations

For more information, visit www.mainejjtaskforce.org.

Goals

- Conduct comprehensive assessment of Maine’s juvenile justice system;
- Examine existing programs and services to assess effectiveness and identify gaps;
- Recommend strategies to develop continuum of community-based, research-based interventions.

Methodology

- Analyzed data from DOC on youth in Long Creek from 6/1/18 to 5/31/19, including needs, risk scores, and MaineCare behavioral diagnosis and treatment data;
- Conducted comprehensive review of current policies, procedures, and programs used in the juvenile justice system;
- Interviewed or met with Governor Mills, Chief Justice Saufley, Attorney General Frey; commissioners and associates in DOC, OCFS, DOE, DPS, DOL; regional DOC managers and Juvenile Community Corrections Officers; Long Creek administrators, staff, and teachers; judges, prosecutors, defense attorneys, law enforcement, crime victims, parents, residential and community service providers, in Portland, Lewiston, Augusta, Bangor and northern Maine; advocates working on juvenile justice reform; educators; mental health professionals; researchers;
- Conducted six youth focus groups throughout state, plus with detained and committed youth at Long Creek;
- Held Town Hall meetings in Portland, Lewiston, Augusta, and Bangor;
- Conducted a community survey on juvenile justice system with 480 respondents.

Guiding Principles

- Ensure fundamental fairness
- Recognize youth are different from adults
- Use the most cost-effective interventions
- Focus on youth’s individual needs and strengths
- Promote accountability of youth for their behavior, of communities for their youth, and agencies for results for youth and communities
- Ensure safety of communities
- Listen to youth and community voices
- Work with youth in the least restrictive setting consistent with public safety
- Achieve equity by race, ethnicity, gender, disability, LGBTQ status, and immigrant status

Findings

DOC’s Progress

- Diversion for 85% of youth eligible for diversion, reduction in annual number of detained youth by 56% since 2010, reduction in annual number of committed youth by 68% since 2010;
- Working on promising initiatives: creation of staff-secure housing (RISE, Bearings House), contract with Youth Advocate Programs, federal Second Chance Reentry Grant, Credible Messenger program, work with Vera Institute of Justice to eliminate incarceration of girls.

Detained Youth

- In 45% of cases, offense was not a crime against person;
- In 53% of cases, reason for detention was to “provide care” for youth;
- Large portion of detained youth were assessed as low or moderate risk/needs;
- In 46% of cases, youth were held 3 days or less;
- Many youth in detention due to lack of community-based alternatives, waiting for openings in programs, and technical violations of release or probation.

Committed Youth

- 25% of youth came to Long Creek from a residential placement prior to commitment;
- In 42% of cases, offense was not a crime against person;
- Large portion of committed youth had low or moderate risk/needs*;
- Long lengths of stay, with low risk youth staying longer than high risk youth* (median number of days):
High risk: 321 days Moderate risk: 535 days Low risk: 580 days
- 69% of youth received behavioral health services from MaineCare in year prior to commitment;
- 65% of youth had history of child welfare investigation, 45% indicated or substantiated.

** Risk/needs assessment occurred at various time points (i.e., before, during, after detention or commitment) and therefore comparisons across risk level groups should be made with caution.*

- Needs of Youth and Cross-Cutting Issues**
- Less secure confinement capacity needed: 25-40% of recent population of 50-70 youth;
 - More psychiatric residential treatment (including secure forensic unit/capacity);
 - More restorative justice programs, shelter beds, transitional housing, mental health programs, substance abuse programs, and crisis beds and mobile crisis teams (in northern part of state);
 - Increased collaboration and coordination among all youth-serving agencies and flexible funding;
 - Reimbursement rates for mental health services sufficient to sustain programs and retain staff;
 - Continuous Quality Improvement in all programs;
 - More training for judges, prosecutors, defense attorneys, and other juvenile justice personnel.

Recommendations

- Arrest**
- **Diversion works: continue progress and adopt best practices;**
 - Focus on reducing thefts (non-auto) and assaults by community prevention strategies;
 - Create opportunities to allow police to divert youth directly to programs and services;
 - Develop and implement strategies to connect communities and police in positive ways;
 - Transfer diversion to community organization or coalition or non-court agency.
- Detention**
- **Use detention primarily to ensure appearance at court and ensure public safety;**
 - Limit use to “provide care” and require specific findings;
 - Revise detention risk screening instrument;
 - Mandate graduated responses and community supports for technical violations;
 - Develop differential warrants for types of violations of probation or court orders;
 - Develop alternatives to secure detention (evening reporting centers, YAP, shelters);
 - Develop alternatives for youth without housing (shelters, group homes, foster care);
 - Do not detain youth who will be released in a few days.
- Probation**
- **Focus on skill-building, positive youth development, and connecting youth to positive community-based programs and services;**
 - Adopt presumptive limits on lengths of supervision;
 - End use of boilerplate conditions of probation and focus instead on individualized treatment goals;
 - Limit the use of detention and commitment for technical violations;
 - Adopt an official incentives-driven community supervision model and track outcomes.
- Placement**
- **Research finds that lengths of stay longer than 3-6 months have negligible impact on recidivism;**
 - Eliminate mandatory length of stay requirements, and create guidelines based on research;
 - Create presumption of community-based responses for most youth;
 - Create a process for judicial review of commitments and out-of-home placements;
 - Develop placements that can better meet the mental health and other needs of youth;
 - Create community-based continuums of care (programs and services) to meet the varying needs of youth;
 - Develop more robust partnership with Department of Labor for workforce development programs;
 - Reassign responsibility for juvenile justice to a separate department or different agency;
 - Do not co-locate youth and women in DOC custody at Long Creek.
- Transfer**
- **Continue current practices to limit the use of bind-over of youth to adult court.**
- Financing**
- **Leverage cross-system investments, including collaborative flex funding;**
 - Support local flexibility and expertise (more to come in February report).
- Next Steps**
- **Establish infrastructure to oversee implementation of recommendations and reforms;**
 - Develop a plan to present the assessment findings to the Children’s Cabinet;
 - Promote funding sources and mechanisms to support community-based continuums of care;
 - Build public support for reforms through media and other mechanisms;
 - Identify examples of programs from other jurisdictions that are relevant to Maine;
 - Develop reform legislation with reference to comprehensive reform and reinvestment bills from other jurisdictions, including legislation to reassign juvenile services to another agency;
 - Develop a work plan to respond to the recommendations in the assessment.