



Maine Juvenile Justice System Assessment & Reinvestment Task Force

January 28, 2020

Introduction: A Call to Justice

“Maine cannot afford to lose one more of its young people to prison and jails, to homelessness, to hopelessness.”

-Chief Justice Leigh Saufley

Maine Juvenile Justice Task Force Report (2010)

Goals of the Assessment

- Conduct a comprehensive assessment of Maine's juvenile justice system in order to ensure reform and reinvestment efforts are targeted appropriately.
- Begin with an examination of the existing service array for youth, including any gaps in services, and an assessment of the quality and effectiveness of existing services.
- Decisions about reinvestment must be made with a focus on creating a continuum of community based, and research based, interventions and supports.

The Context for Reform

There Have Been Multiple Studies of Maine's Juvenile Justice System

- The Maine Juvenile Justice Task Force: An Integrated Approach to Transforming Maine's Juvenile Justice System. University of Southern Maine Muskie School of Public Service (2010).
- Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System. Robyn Dumont, Erica King, and George Shaler, University of Southern Maine Muskie School of Public Service (2015).
- An Initiative to Develop a Sustainable Restorative Juvenile Justice System. Gale Burford, Sarah Gallagher, Karen Gennette, John Gorczyk, George Shaler, Johannes Wheeldon (2016). Final Report To Maine's Juvenile Justice Advisory Group
- Unsealed Fate: The Unintended Consequences of Inadequate Safeguarding of Juvenile Records in Maine. Susy Hawes, Erica King, Mara Sanchez and George Shaler, University of Southern Maine Muskie School of Public Service (March 2017)

Studies of Maine's Juvenile Justice System (cont'd)

- [Assessing the Use of Law Enforcement by Youth Residential Service Providers](#). Disability Rights Maine (August 2017).
- [Recidivism: Diversion to Discharge in Maine's Juvenile Justice System](#). Robin Dumont and Erica King, University of Southern Maine Muskie School of Public Service (2017).
- [Youth Justice in Maine: Imagine a New Future Summit, Summary & Recommendations](#). Mara Sanchez, Erica King, and Jill Ward, University of Southern Maine Muskie School of Public Service and the Maine Center for Juvenile Policy and Law (January 2018).

Studies of Maine's Juvenile Justice System (cont'd)

- [From Adolescence to Adulthood: A Blueprint for Helping Maine's Youth Succeed](#). Jennifer Miller, ChildFocus, John T. Gorman Foundation (May 2018).
- [Children's Behavioral Health Services Assessment Final Report](#). Maine DHHS, Office of Child and Family Services (December 2018).
- [Place Matters: Aligning Investments in a Community-Based Continuum of Care for Maine Youth Transitioning to Adulthood](#). Mara Sanchez, Erica King, and Jill Ward, University of Southern Maine Muskie School of Public Service and the Maine Center for Juvenile Policy and Law (March 2019).
- [Place Matters: From Pipelines to Place-Based Strategies for Maine's Older Youth](#). Mara Sanchez, Erica King, & Robyn Dumont, University of Southern Maine Muskie School of Public Service (October 2019).
- [A New Vision for Youth Justice in Maine](#). Maine Youth Justice (October 2019).

Juvenile Justice System Recommendations of Juvenile Justice Task Force (2010)

5. Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.
6. Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.
7. By September of 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Dropout Prevention Summit.
8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible.
9. By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.
10. Form a Juvenile Justice Task Force Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts.

DOC Achievements Following Task Force Report

1. Policy and practice changes;
2. Increases in treatment programming;
3. Diversion interventions;
4. Reductions in annual number of committed youth by **68%** and average daily population of committed youth by **68%** (2010-2018);
5. Reductions in annual number of detained youth by **56%** and average daily population of detained youth by **35%** (2010-2018);
6. Since 2006, reductions in annual number of detained youth by **74%** and average daily population of detained youth by **49%**;
7. In 2018, **85%** of youth eligible for diversion were diverted.

CCLP Recommendations Identified Ongoing Concerns (2017)

“There is an urgent need for a comprehensive assessment of factors external to Long Creek that are contributing to those challenges and a frank discussion among state officials about how to address them. **These factors include the incarceration of many youth at Long Creek for low-risk offenses, the high rate of referrals of youth to Long Creek from mental health placements, the limitations of community-based mental health services for Maine’s adolescent population, questions about the quality and effectiveness of existing community-based mental health services, the high cost of keeping a youth at the facility (\$250,000 per year per youth), and the availability of federal funds (e.g., through Medicaid) to support community-based programs but not institutional care.**”

CCLP Recommendations (2017)

“State officials should conduct, or contract with an independent entity to conduct, a comprehensive review of the effectiveness of Maine’s juvenile justice system to determine which policies and practices are hindering the goal of achieving an efficient and effective system in the state. **This review should include looking at the practices of juvenile justice stakeholders, including law enforcement, judges, prosecutors, and defense attorneys, as well as the experiences of youth and family members.** 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. The 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.”

Recent DOC initiatives

1. Creation of RISE (2017) and Bearings House (2019)
2. Contract with Youth Advocate Programs (YAP) (2019)
3. Winning federal Second Chance Reentry Grant (\$775,775) (2019)
4. Credible Messenger Program (2019)
5. Work with the Vera Institute to reduce incarceration for girls in Maine (2018-2020)

There is Still a Great Deal of Work to be Done

“We published the call to action in May 2010 and everyone went to work. It’s 10 years later, we have hit 2 of those benchmarks with a vengeance.”

“So going back to the key recommendations from the report and it is why I believe we are here today. The recommendation was for a much more extensive set of community based treatment and placement options, to the extent possible, home-like placement options for youth. And that has not been accomplished.

As the judges in this state will tell you, the need for a greater range of youth services has gone unmet for too long. Only a robust continuum of community-based programs can ensure that Maine’s youth will receive individualized treatment that is appropriate to that child’s needs. Determining how to provide that continuum is going to require data, updated analysis of the treatment and placement types that work, and a focus on outcomes so that we are using scarce Maine dollars to their very best value for our youth.”

Chief Justice Leigh Saufley, Remarks at First Meeting of the Juvenile Justice System Assessment and Reinvestment Task Force, May 17, 2019

Methodology

Methodology of This Assessment

1. Collection and analysis of quantitative data, including (a) DOC data on detained and committed youth admitted to Long Creek between June 1, 2018, and May 31, 2019, (b) YLS/CMI needs and risks scores of those youth, and (c) MaineCare data on diagnoses and treatments provided to those youth prior to admission to Long Creek, by the Juvenile Justice Research and Reform Lab at Drexel University.
2. Review of past and current reports on juvenile justice issues, programs, and services in Maine; DOC, OCFS, and DOE policies; and related documents.

Methodology (cont'd)

3. Conducted interviews or meetings with:

- All of the Task Force members except one
- Governor Mills, Chief Justice Saufley, Attorney General Frey
- Department of Corrections: Commissioner, Associate Commissioner for Juvenile Services, Victim Advocate, regional directors in all three regions, JCCOs in all three regions, and Long Creek superintendent, staff, teachers, former Chair of the Long Creek Board of Visitors
- Commissioners, directors, agency officials of the Office of Child and Family Services, Department of Education, Department of Labor, and Department of Public Safety

Methodology (cont'd)

- Local juvenile justice stakeholders: judges, prosecutors defense attorneys, law enforcement officers and officials, crime victims, parents, residential and community-based service providers, Restorative Justice personnel
- Leaders and representatives of advocacy organizations and coalitions working on juvenile justice reform, civil rights, rights of the disabled, LGBTQ youth, victims' services, behavioral health, and substance abuse reform
- Educators: school district superintendents, principal, school counselor
- Mental health professionals, MST provider, FFT provider
- Researchers from Muskie School and Vera Institute of Justice

Methodology (cont'd)

3. Conducted focus groups with youth at the Tree Street Youth program in Lewiston, the Maine Youth Court in Portland, a tribal youth group in Bangor, a tribal youth group in Presque Isle, Preble Street Teen Center in Portland, a youth focus group in Waterville organized by Maine Inside Out, committed youth at Long Creek, and detained youth at Long Creek.
4. Held four Town Hall meetings in different areas of the state (Portland, Lewiston, Bangor, and Augusta).
5. Developed a community survey about the juvenile justice system, made it available in print and online, and received 480 replies.

Methodology (cont'd)

6. Brought in Gladys Carrion, former Commissioner of the New York State Office of Children and Family Services and former Commissioner of the New York City Administration for Children's Services, and Clinton Lacey, Director of the District of Columbia Department of Youth Rehabilitation Services, to join Task Force meetings and Town Hall meetings to share their expertise and experience.
7. Financial impact and opportunity analysis by the Center for the Study of Social Policy focused on opportunities to finance a juvenile justice system that meets the needs of youth including supporting a continuum of programs and services.

Methodology (cont'd)

8. Contracted with Dr. Andrea Weisman, former director of mental health services in the juvenile justice systems in Maryland and Washington, DC, to review mental health needs and available programs and services in Maine.
9. Since August, conducted bi-weekly conference calls with Task Force co-chairs and bi-weekly calls with members of the assessment team.
10. Preparation of key findings and recommendations for Task Force meeting on January 28, 2020, and preparation of full written report for Task Force meeting on February 25, 2020.

Guiding Principles

Guiding Principles

- **Fundamental fairness:** All system participants – including youth, families, victims, and communities – deserve fair treatment in accordance with basic principles of due process.
- **Youth-adult differences:** Young people are developmentally different from adults, and the justice systems that deal with them must be shaped by those differences.
- **Individual differences:** Juvenile justice decision makers must acknowledge and respond to young people's differences from one another in terms of development, culture, gender, needs and strengths.

Guiding Principles

- **Youth potential:** All youth have strengths and are capable of growth and change. The juvenile justice system should promote positive youth development to enable young people to become productive members of the community.
- **Safety:** Communities and individuals deserve to be and to feel safe.
- **Responsibilities:** Youth must be encouraged to accept responsibility for their behavior and the consequences of their actions. Communities have the obligation to safeguard the welfare of children and youth, to support them when in need, and to help them grow into responsible adults. The juvenile justice system should reflect that it is a vital part of society's collective exercise of its responsibility toward youth.

Guiding Principles

- **Community and Youth Voice:** Community-based collaborative decision-making and services reduce recidivism more effectively and at lower costs than punitive and incarceration-based strategies. An effective juvenile justice system engages communities and impacted youth as partners and builds the capacity of communities to foster positive youth outcomes.
- **Race/Ethnicity/Gender/Disability/LGBTQ/Immigrant Equity:** An effective juvenile justice system eliminates bias and disparate treatment and ensures that the justice system meets the needs of youth of color and youth who are particularly vulnerable.

Guiding Principles

- **Cost Effectiveness:** An effective juvenile justice system invests resources in proven, cost effective strategies which reduce reoffending and re-incarceration and produce positive outcomes for youth and communities. Research consistently demonstrates that evidence-based, data-driven, community-based responses to youth crime reduce recidivism more and are more cost-effective than other strategies – including, but not limited to, incarceration-based strategies.
- **Least Restrictive Setting:** Youth removed from their homes should be in the least restrictive setting consistent with the youth's needs and public safety.

Preliminary Quantitative Data

Juvenile Justice Research and Reform Lab
Drexel University

Naomi Goldstein, Ph.D.
Amanda NeMoyer, J.D., Ph.D.
Rena Kreimer, M.S.W.

Preliminary Quantitative Data: Approach

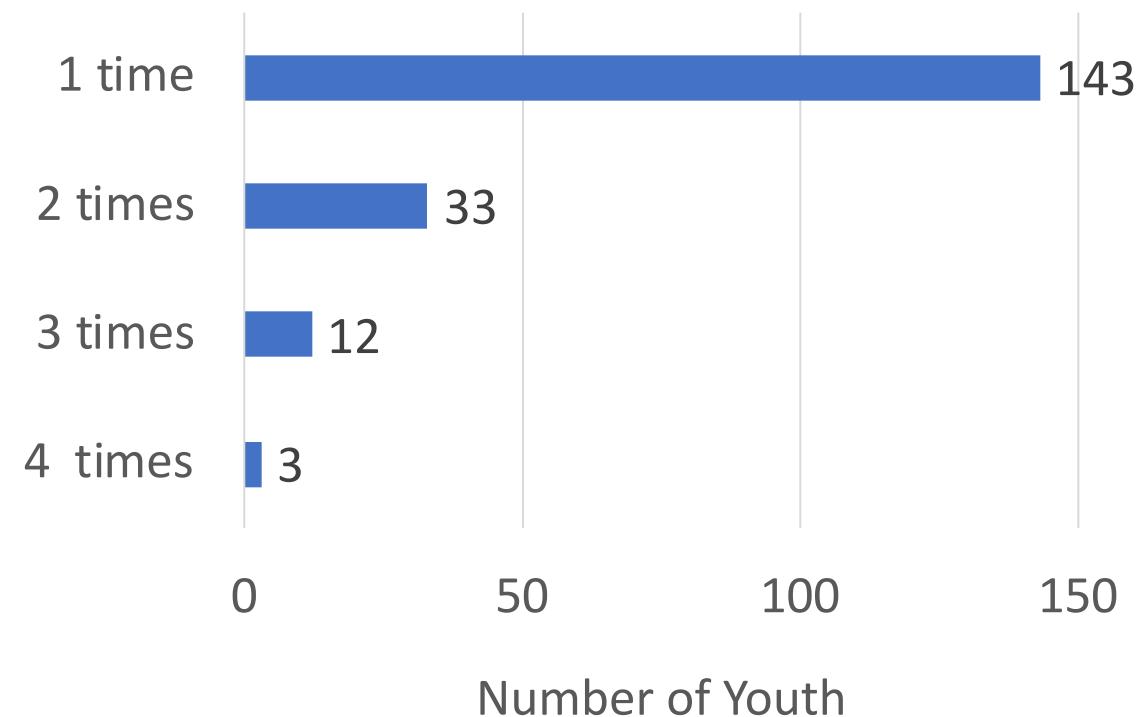
- Data Sources: Department of Corrections (DOC) and Office of Child and Family Services (OCFS)
- Iterative process with agencies
- Goal: Provide data to inform broader assessment
- Two Samples:
 - Youth detained at Long Creek ($n = 191$)
 - Youth committed to Long Creek ($n = 55$)

Detained Sample

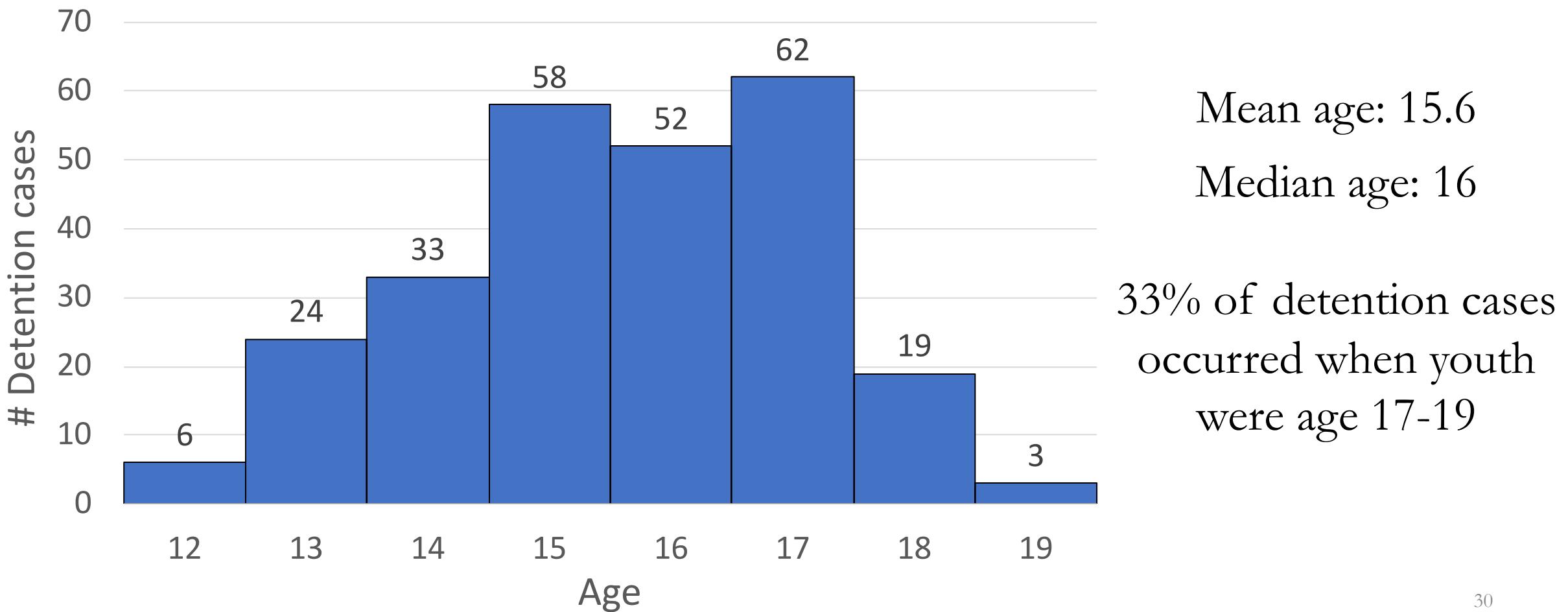
Detained Youth Summary

- All releases from detention between 6/1/2018 – 5/31/2019
 - 257 total detention cases
 - 191 individual youth
 - 48 youth were released from detention *more than once* during this time period

Number of Times Youth Were Released from Detention between 6/1/18 and 5/31/19

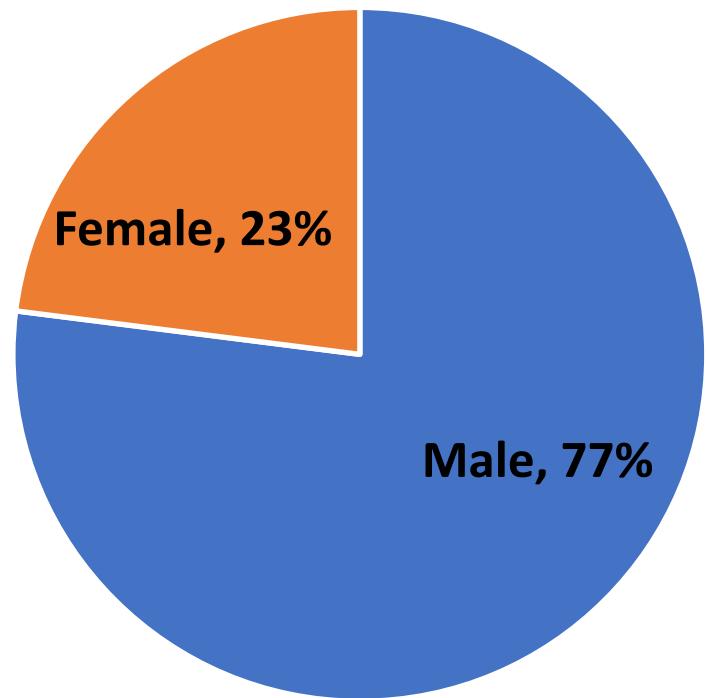


Demographics: Age at Detention

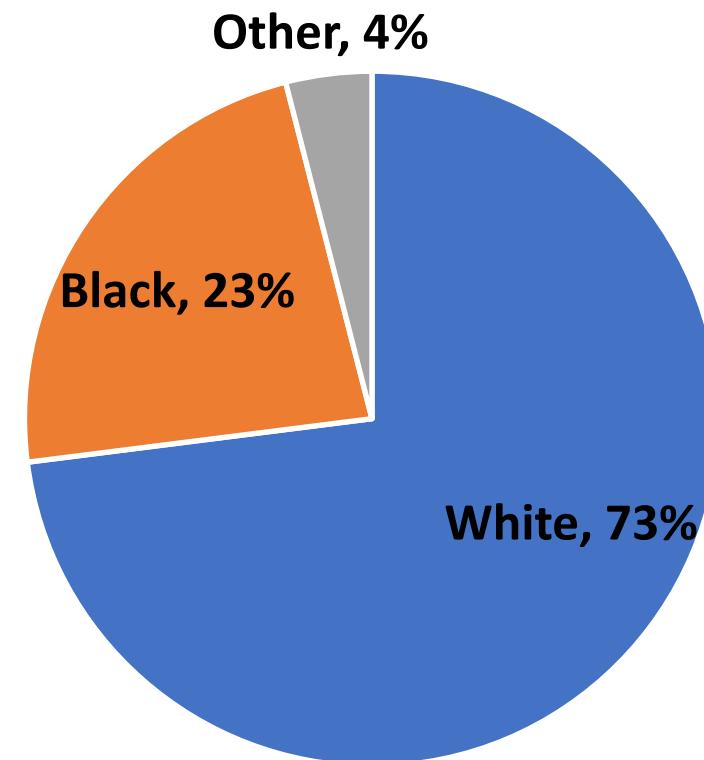


Detention Demographics: Gender and Race

Gender



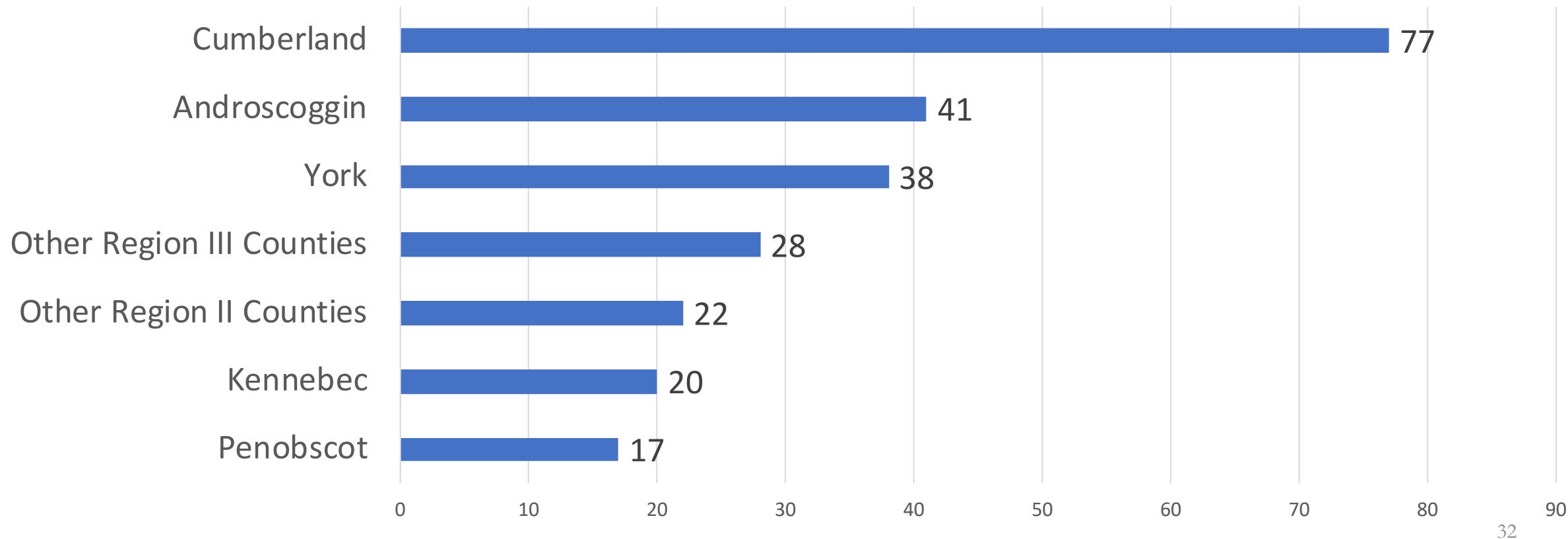
Race/Ethnicity



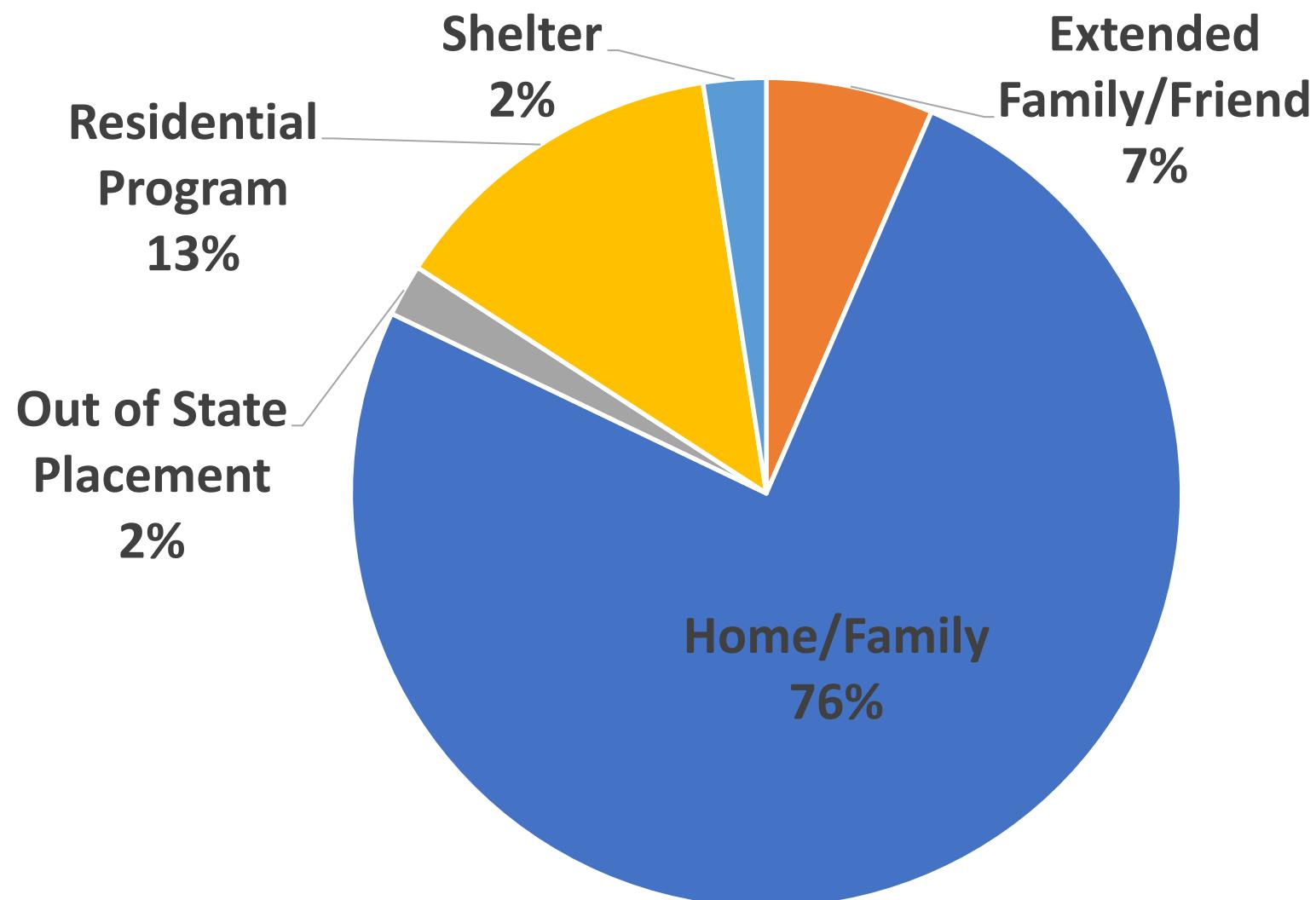
- 97.7% U.S. Citizens, 1.6% “ICE holds”

Detention Cases: County of Arrest

All Detentions: County of Arrest
(n = 243)



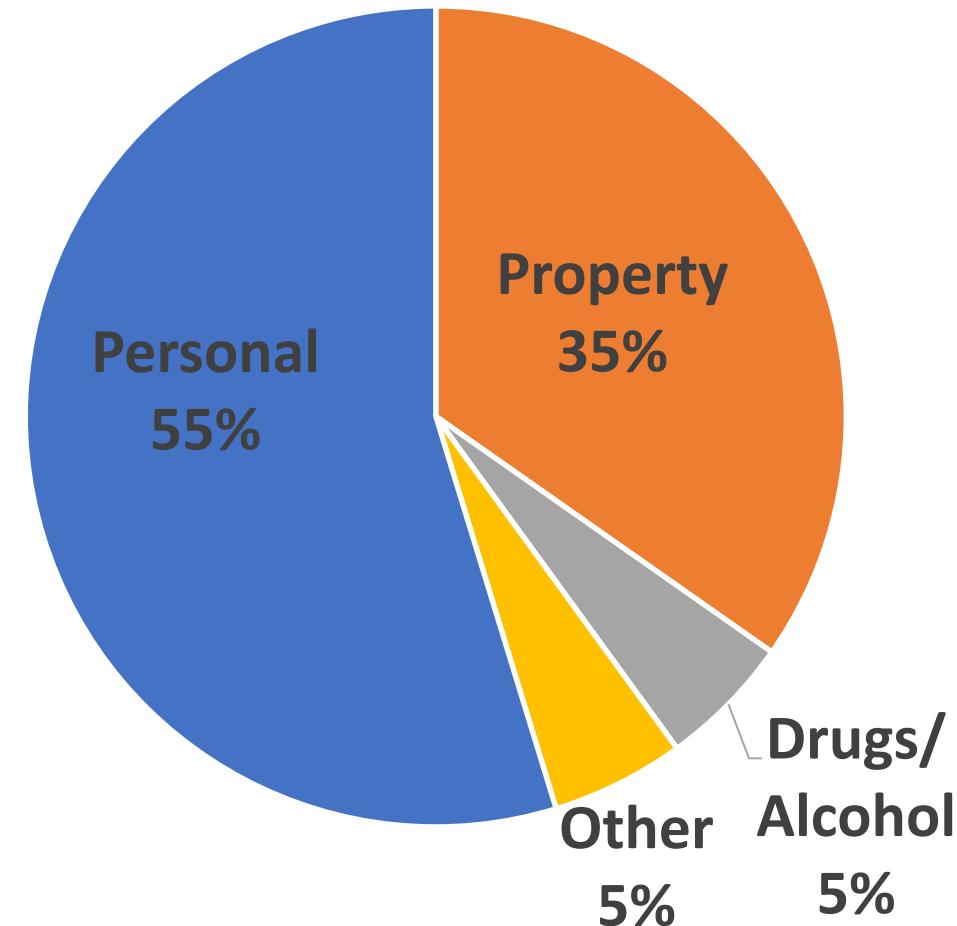
Residence Immediately Prior to Detention



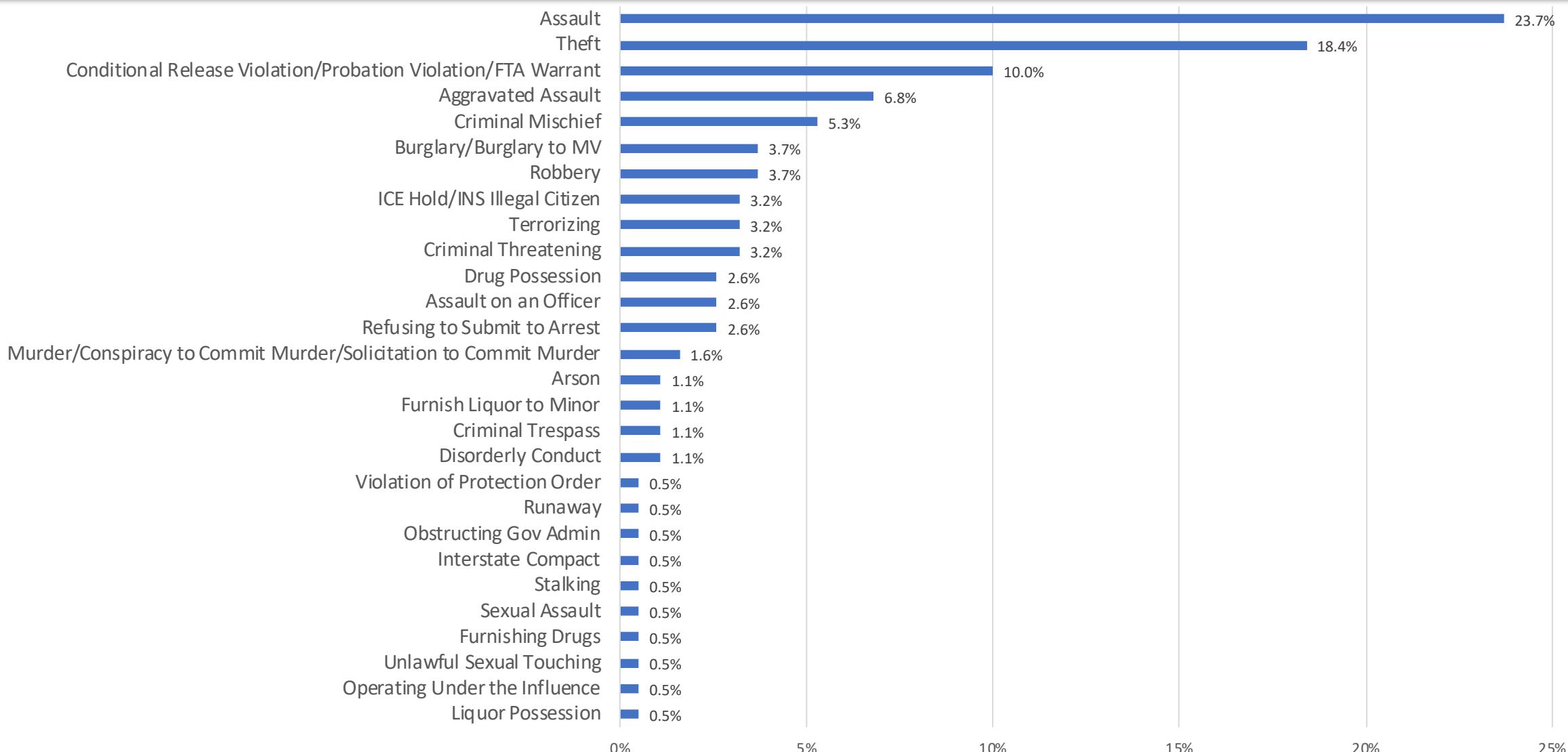
Detention Cases: Most Serious Offense

In 45% of detention cases, the most serious offense was *not* a crime against a person

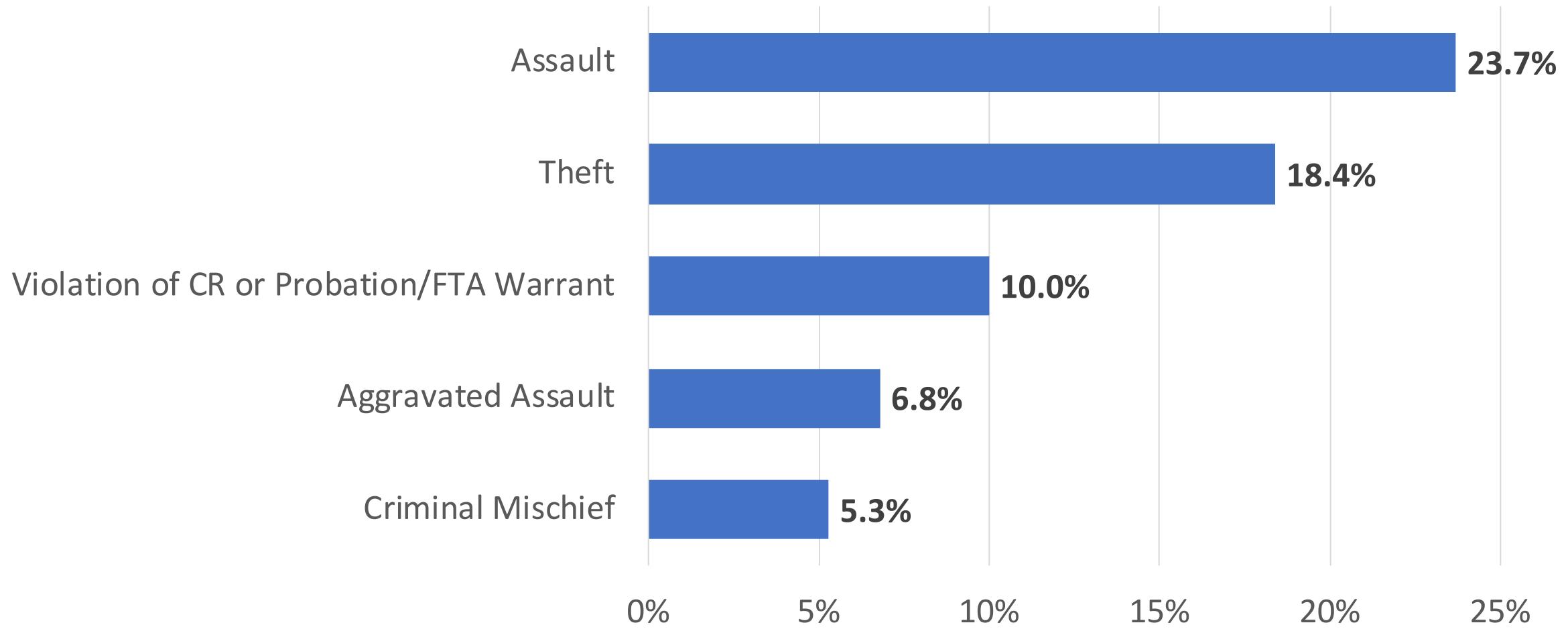
All Detentions: Offense Type



Detention Cases: Specific Offenses



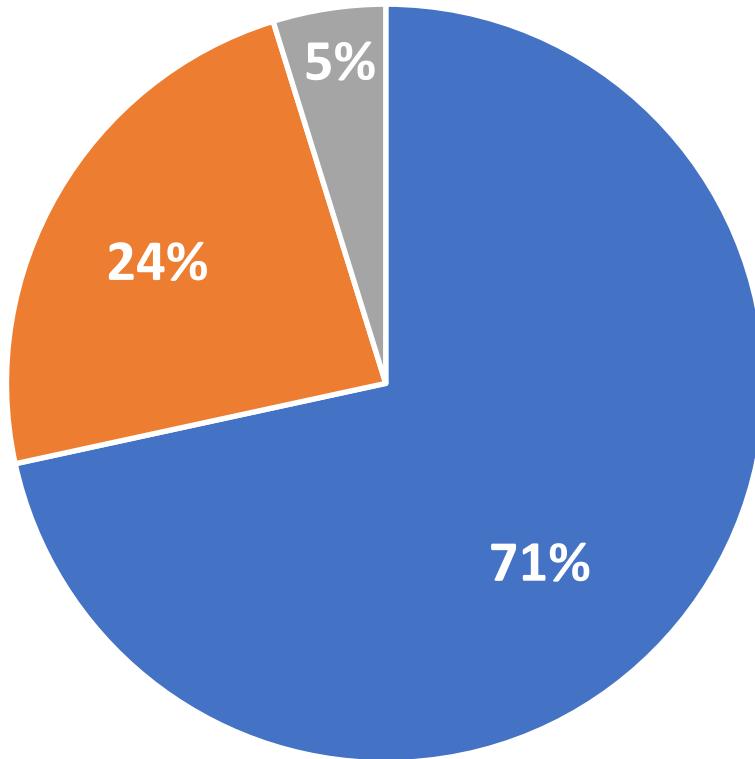
Detention Cases: Specific Offenses (Most Common)



Detention Risk Assessment Instrument (RAI)

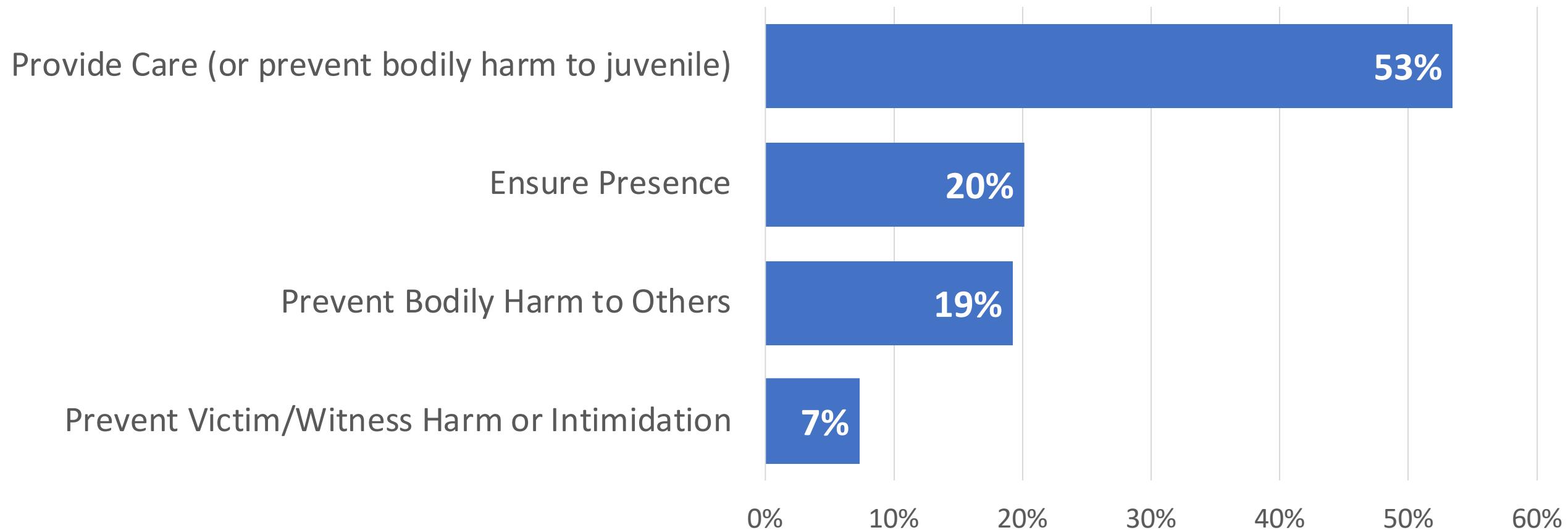
RAI scores available for 229/257 detention cases

- Mean and Median score = 12
- Range = 1 - 24



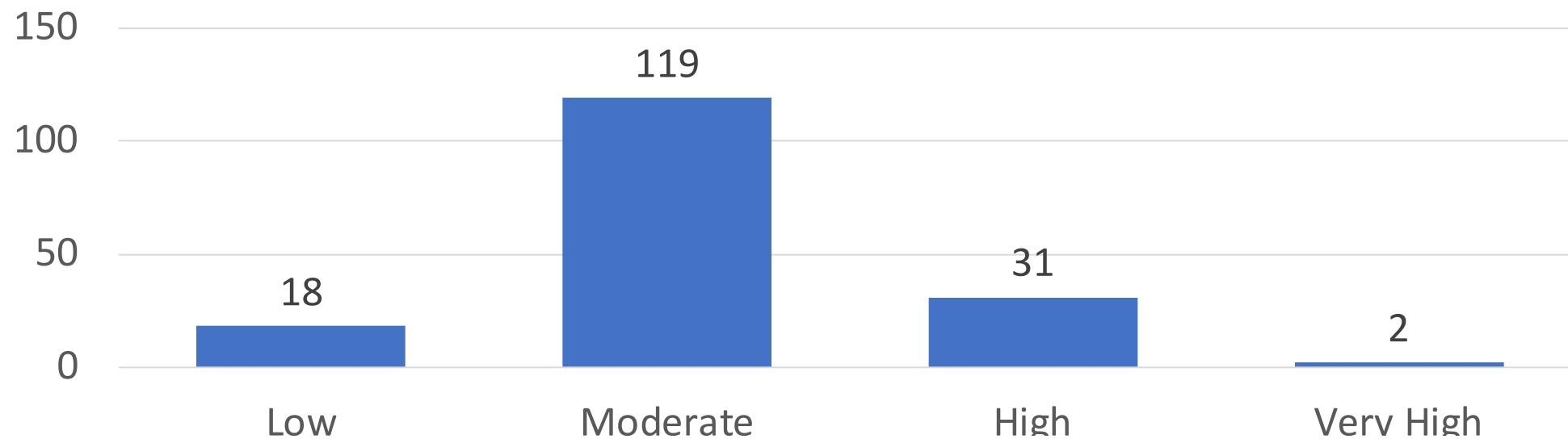
- JCCO shall use discretion to release or detain (10+ score)
- Released unless community in jeopardy (6-9 score)
- Released unless juvenile in serious jeopardy (0-5 score)³⁷

Reasons for Detention



Youth Level of Service (YLS) Risk/Need Scores

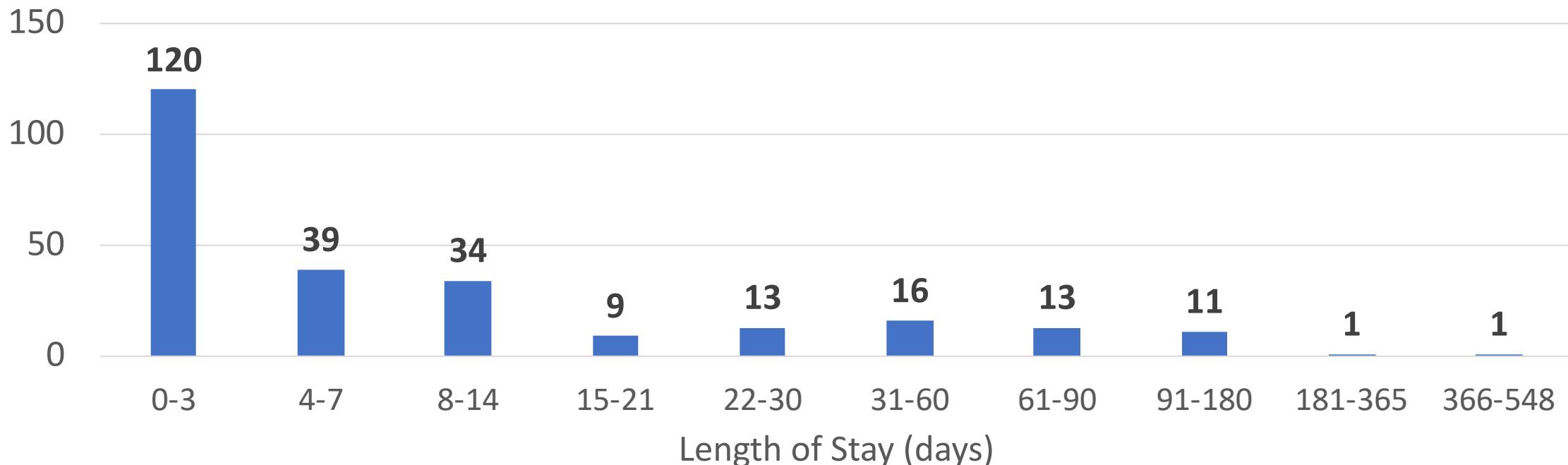
- YLS uses background information about youth to identify level of risk/need
- 81% of youth designated low or moderate risk across all detention cases with available data



Note: YLS administration occurred at various time points (i.e., before, during, after detention) and therefore comparisons across risk level groups should be made with caution.

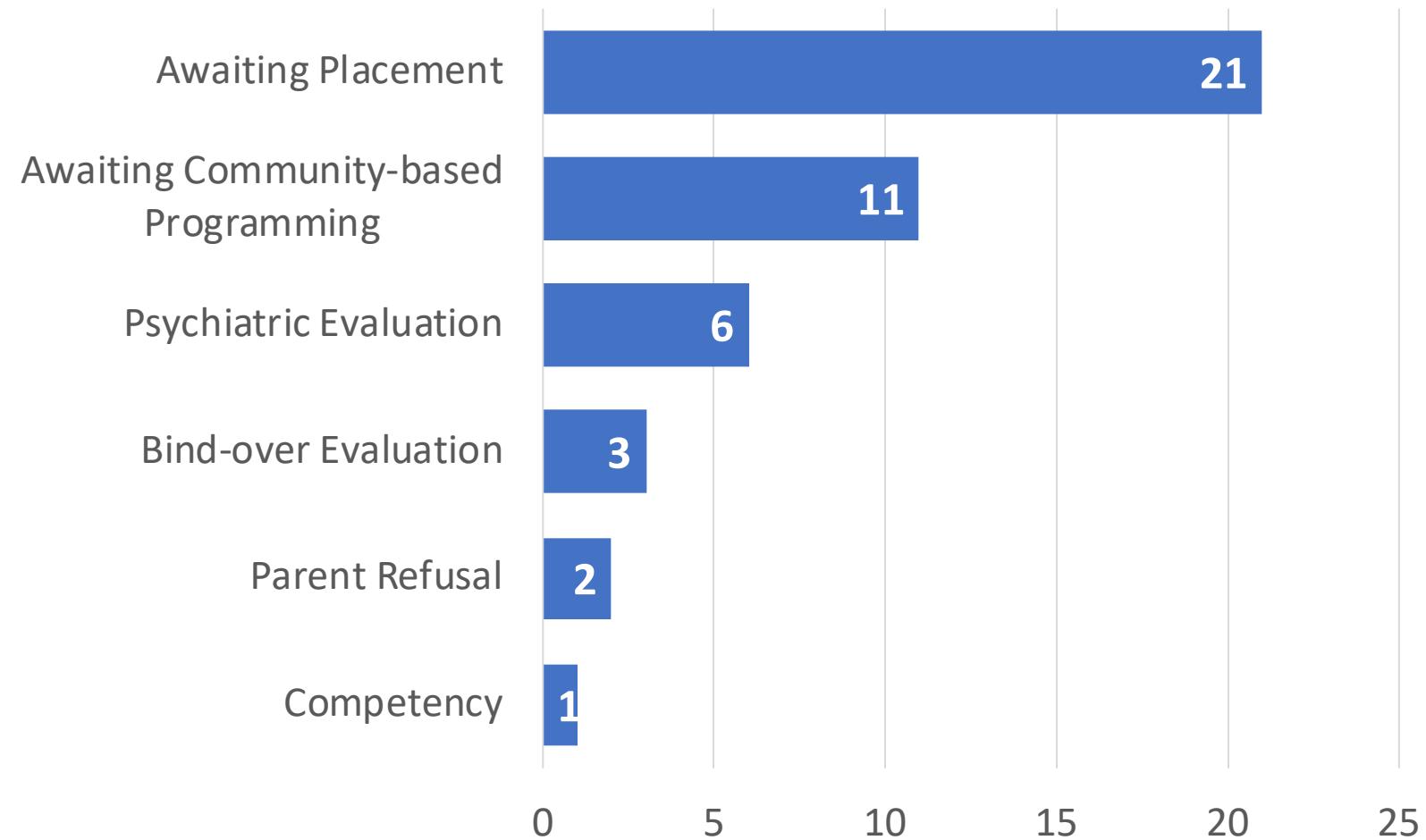
Detention Cases: Length of Stay (LOS)

- Median LOS for all detention cases ($n = 257$): 4 days
- Mean LOS: 19.49 days
- LOS Range: 0 to 438 days



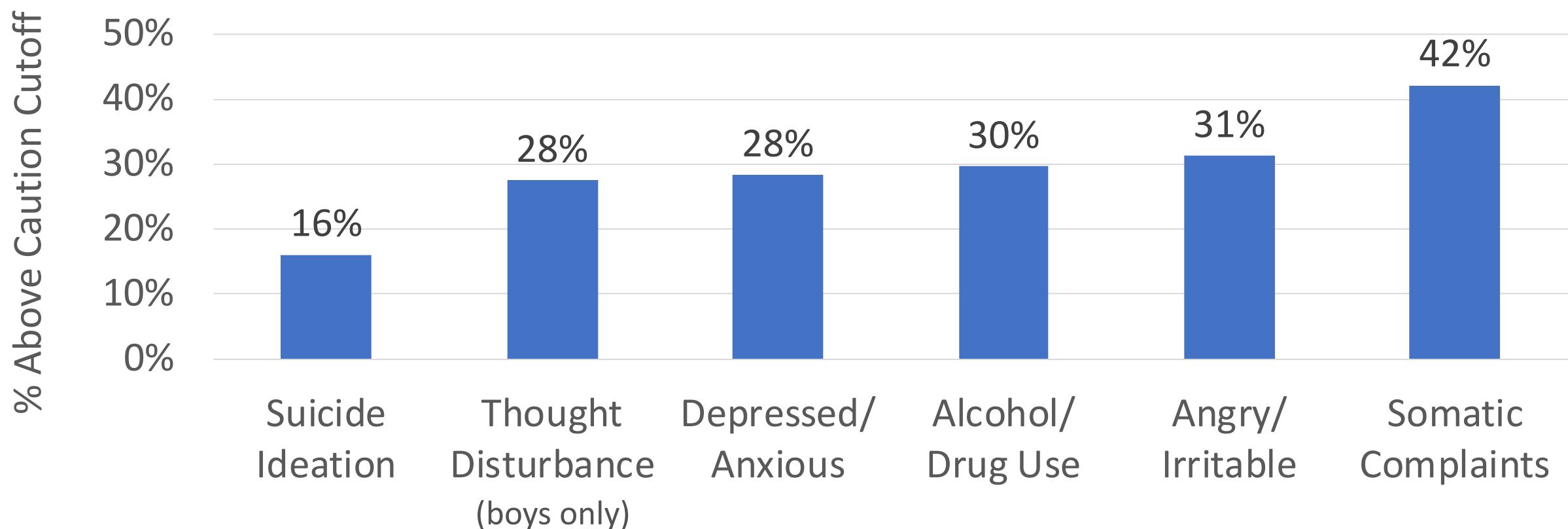
Reason for Stays in Detention Over 30 Days

73% of detention stays over 30 days were for youth awaiting placement or community-based programming



MAYSI-2 Symptoms Upon Admission to Detention

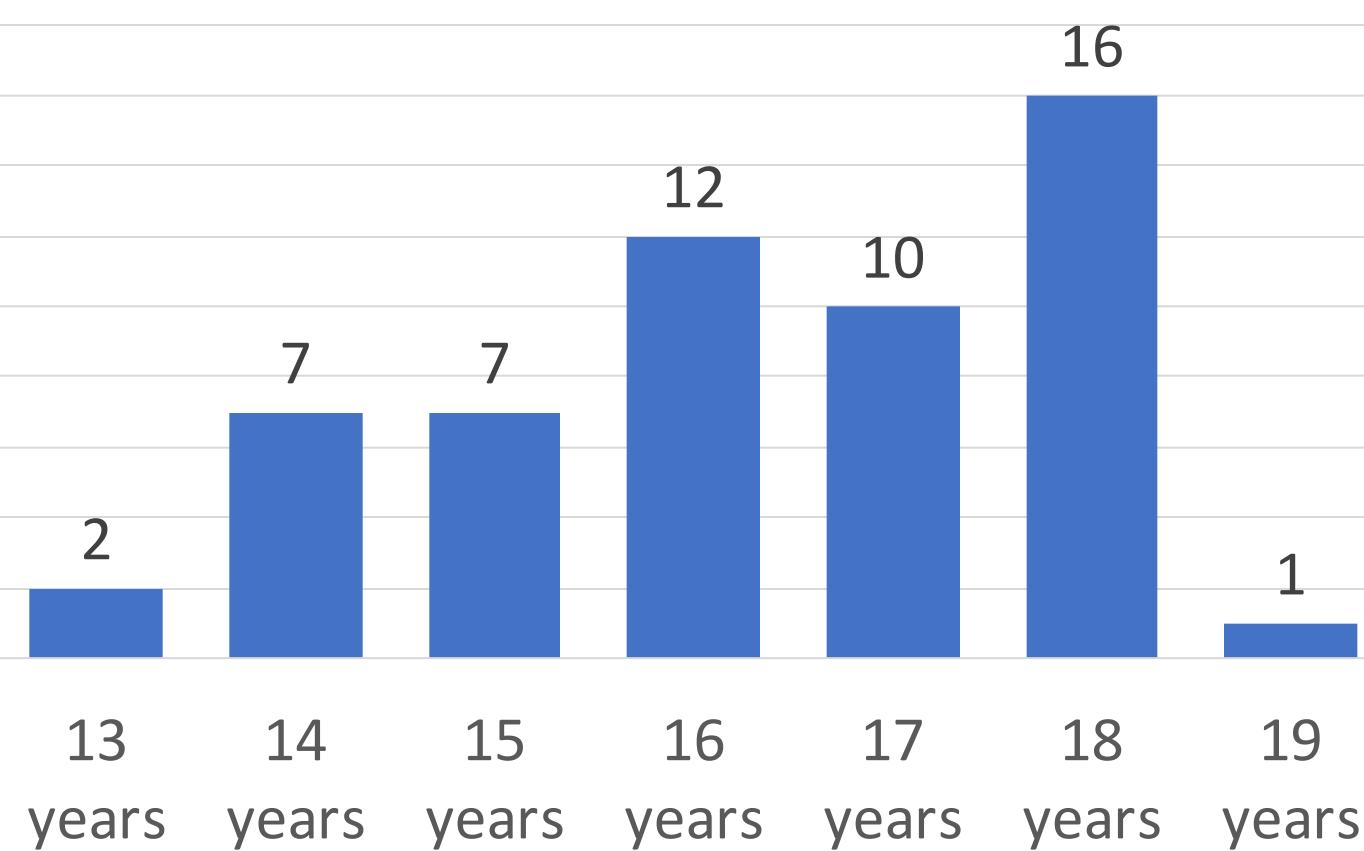
- Massachusetts Youth Screening Instrument-2 administered upon admission to Long Creek
- Serves as a mental health symptom screening tool, *not* a diagnostic instrument



Committed Sample

Committed Youth Demographics: Age

Age at time of Commitment

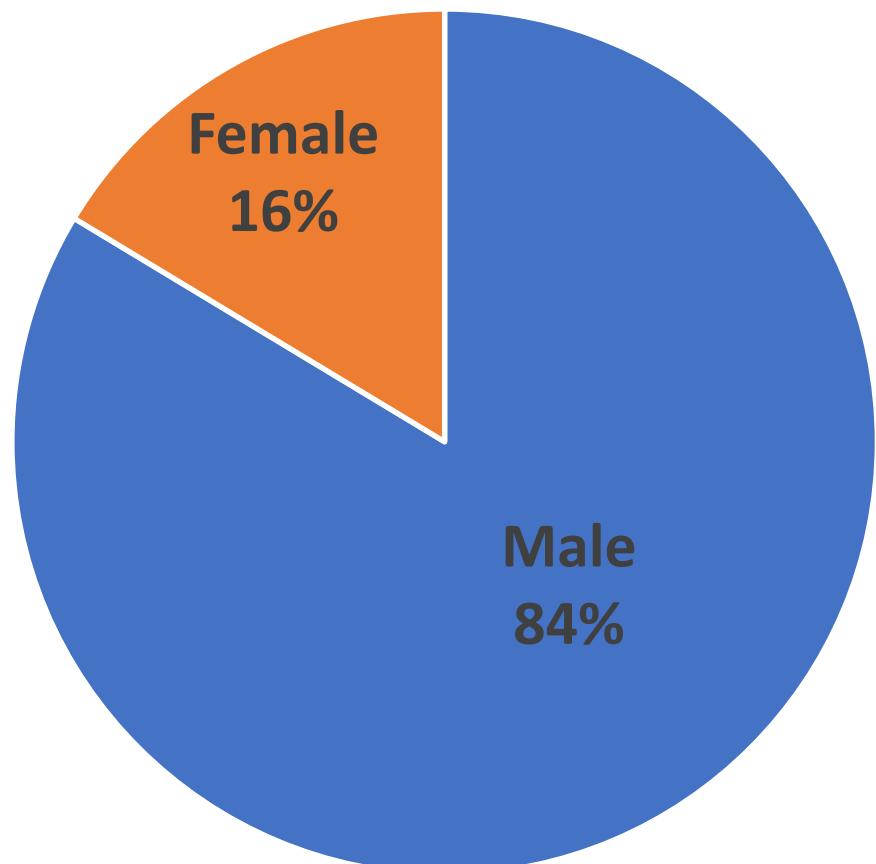


Mean and Median age: 16

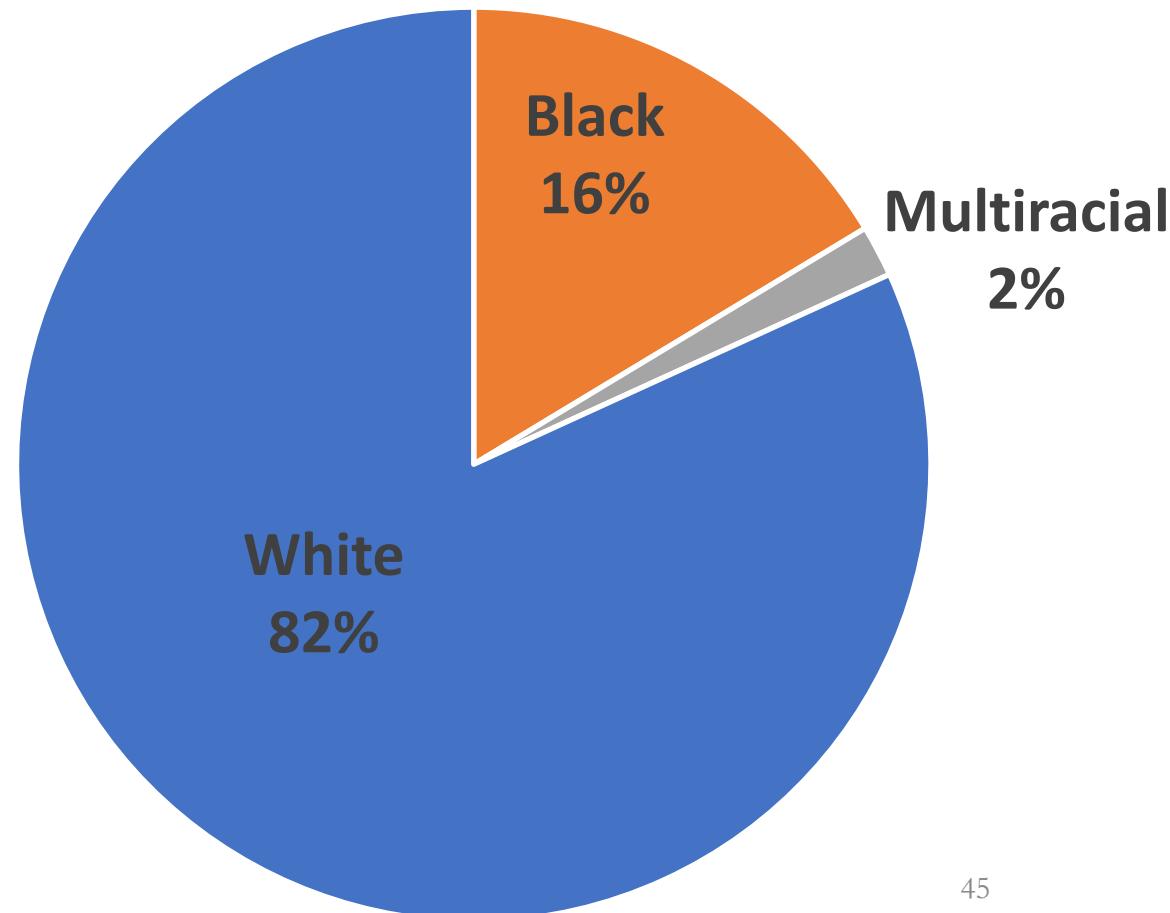
49% of committed youth
were age 17-19

Committed Youth Demographics: Gender and Race

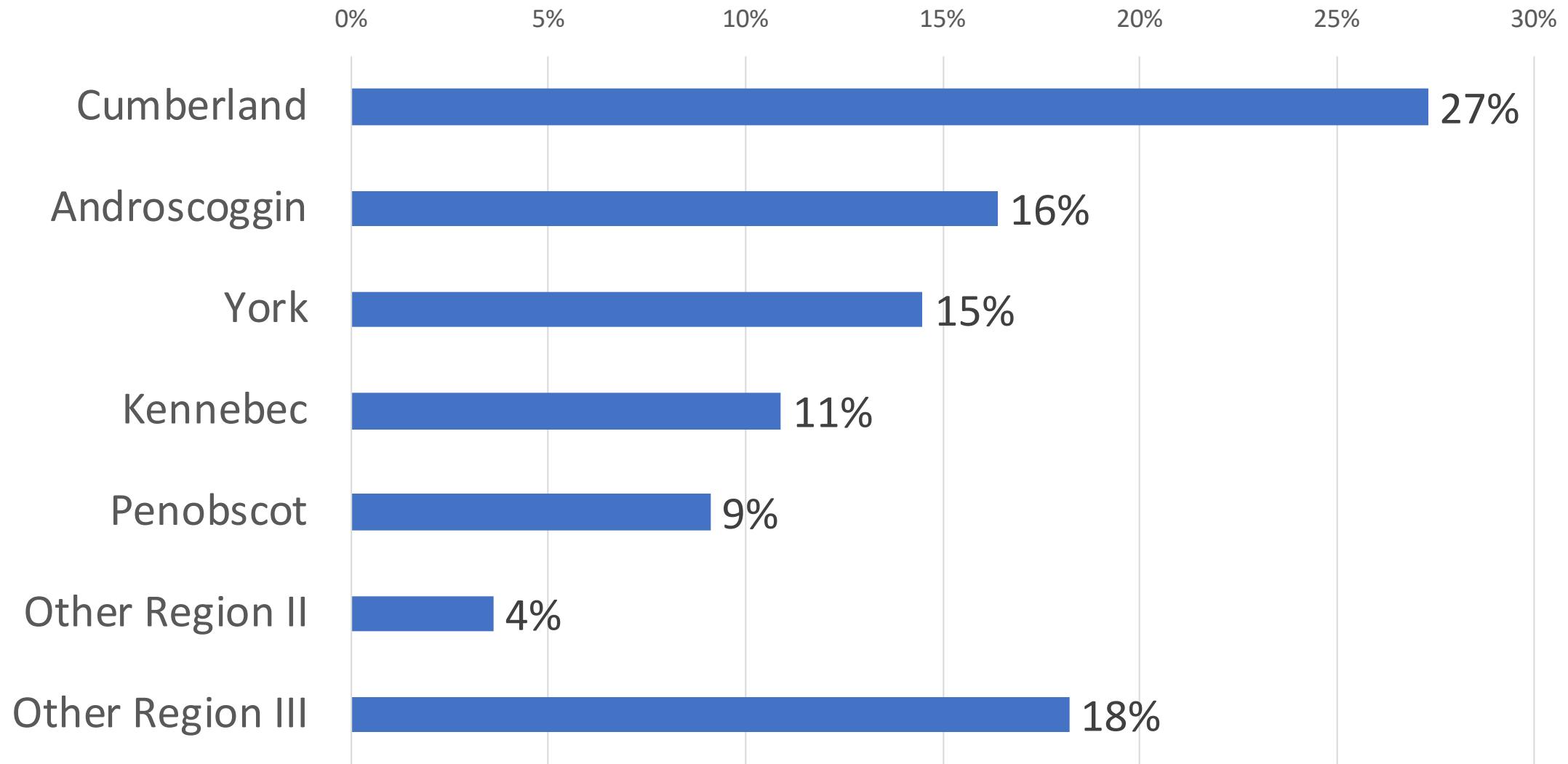
Gender



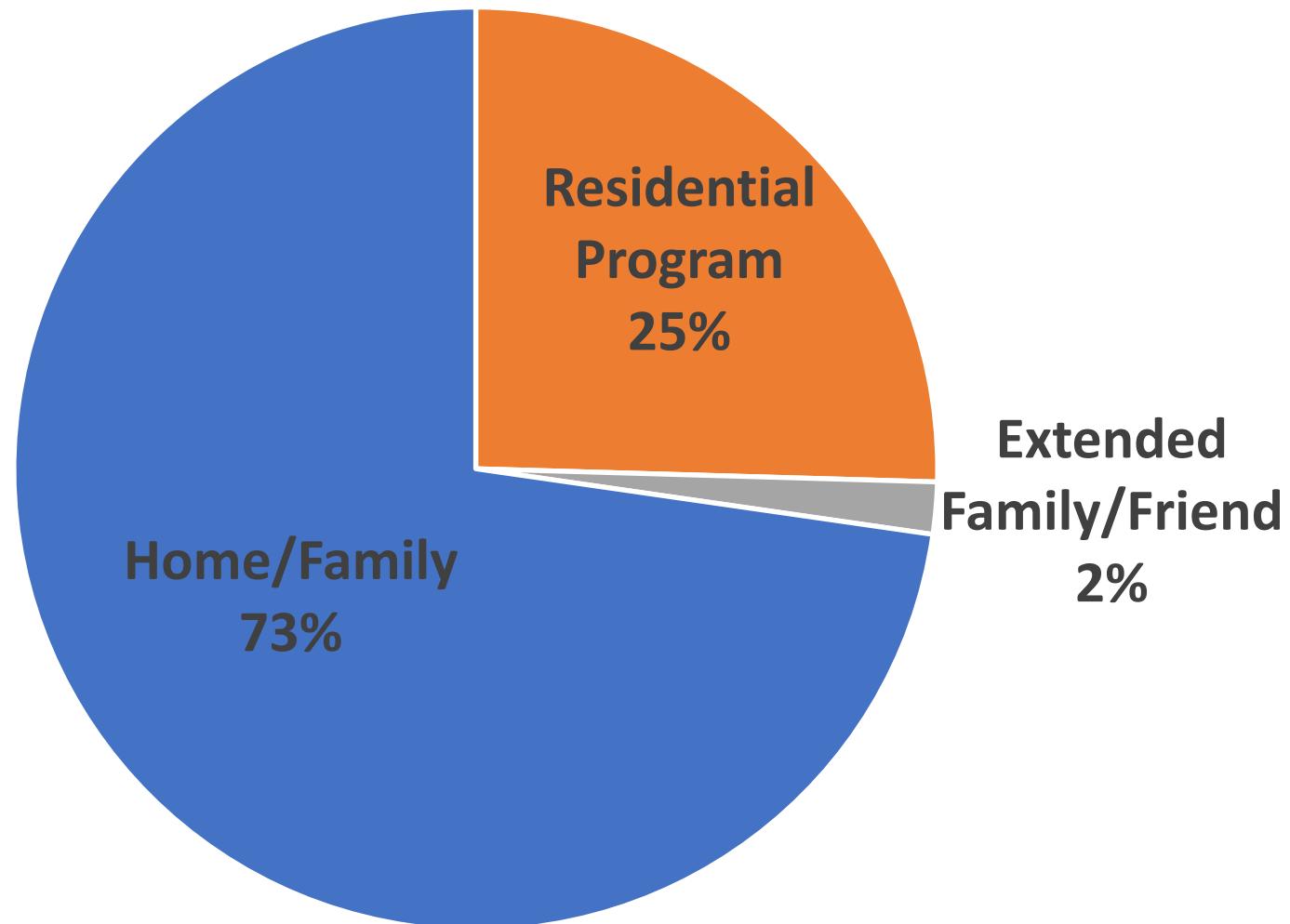
Race



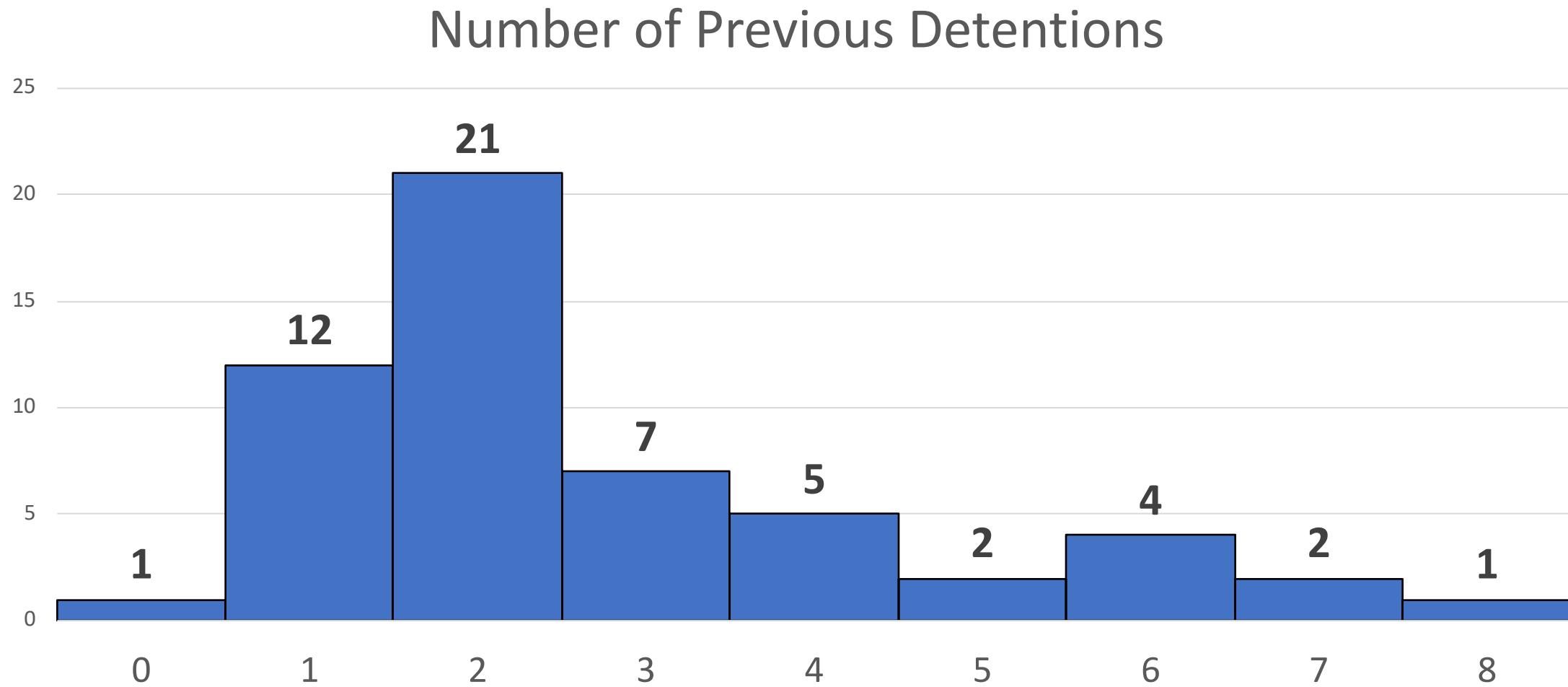
Committed Youth: County of Arrest



Committed Youth: Residence Prior to Long Creek

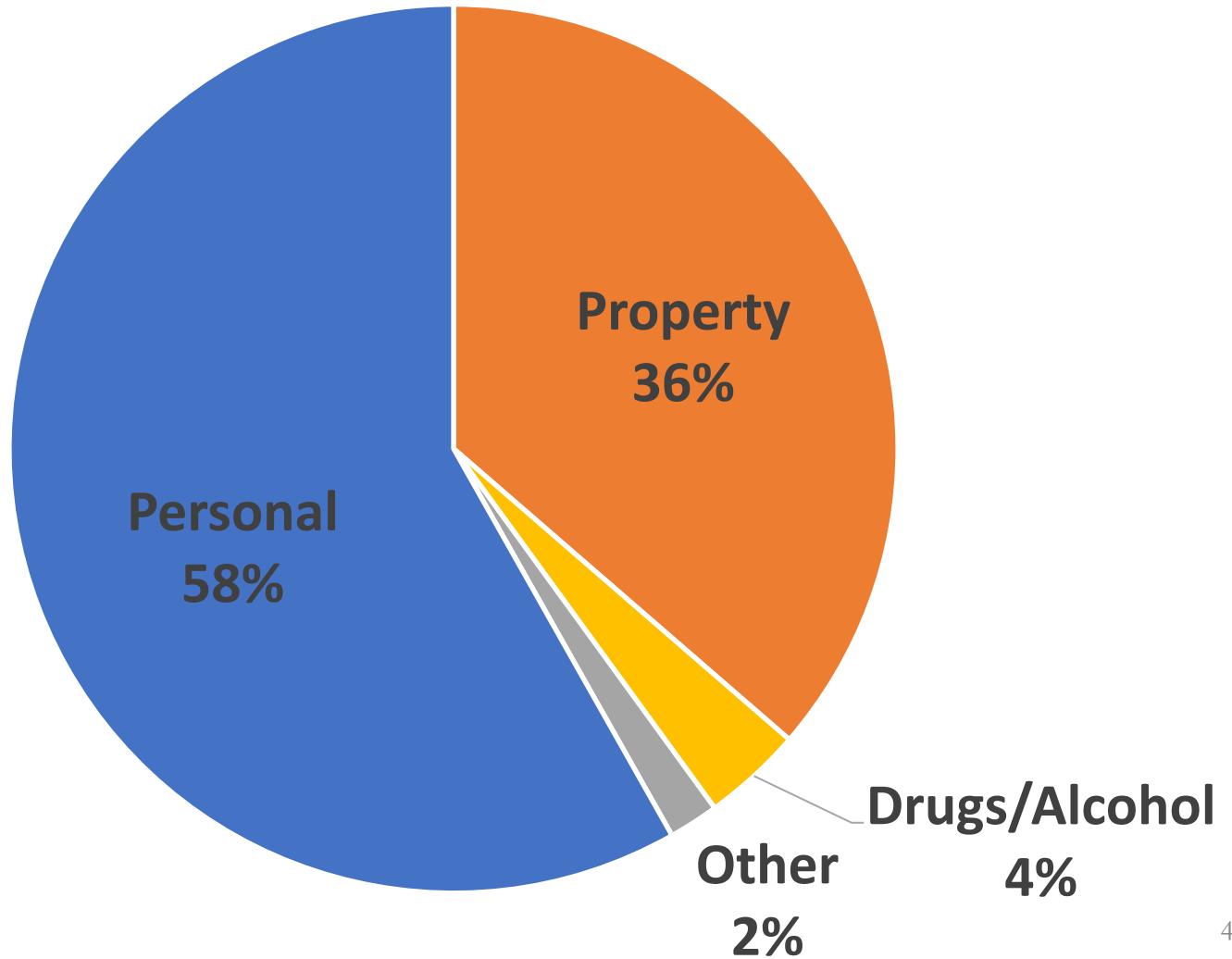


Committed Youth: Prior System Involvement

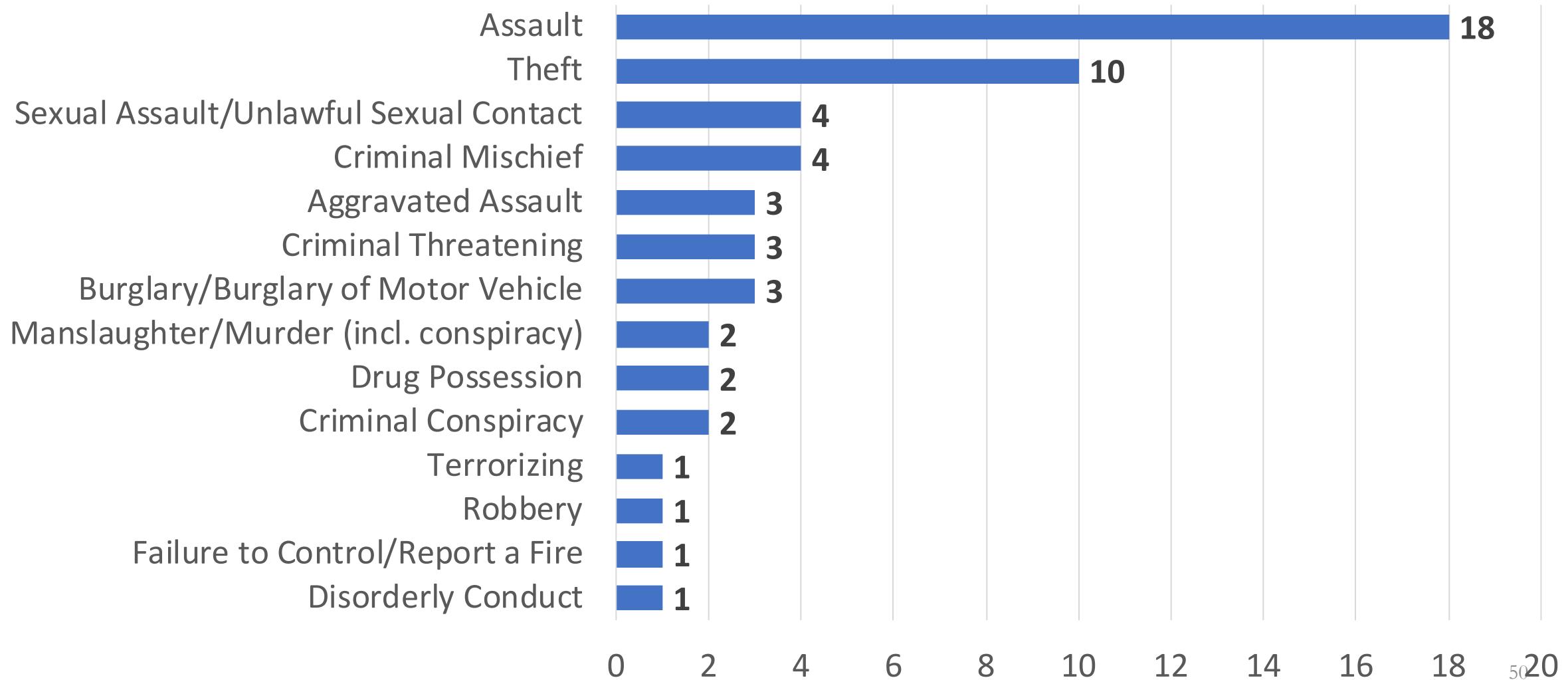


Committed Youth: Most Serious Offense

In 42% of commitment cases, the most serious offense was *not* a crime against a person



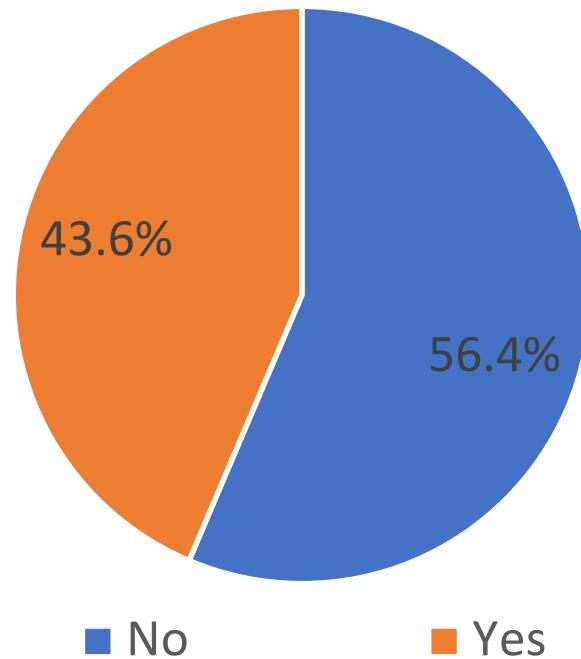
Committed Youth: Most Serious Adjudicated Offense



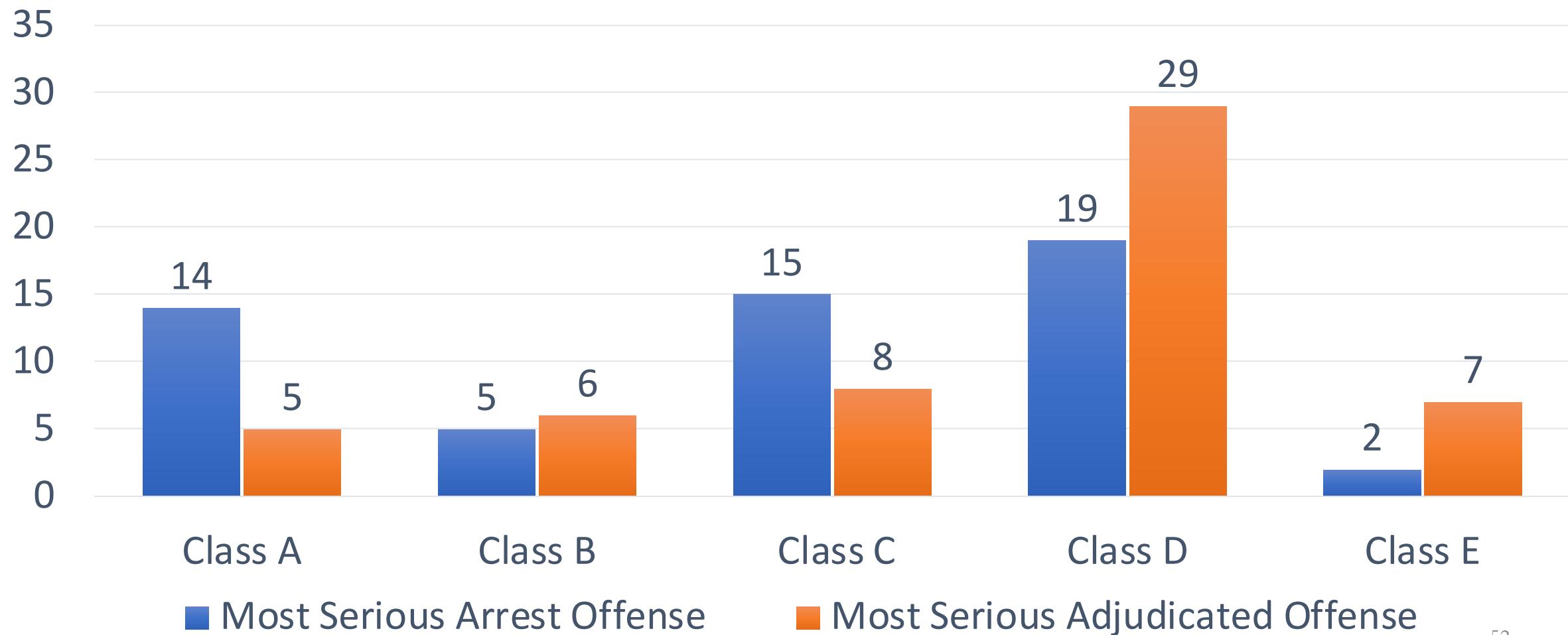
Committed Youth: Most Serious Offense at Arrest vs. Most Serious Adjudicated Offense

Data indicate that, for 24/55 committed youth (43.6%), their most serious adjudicated offense was categorized at a lower class (i.e., less serious) level than their most serious charge at arrest

Was the most serious adjudicated offense a lower class level than the most serious charge at arrest?

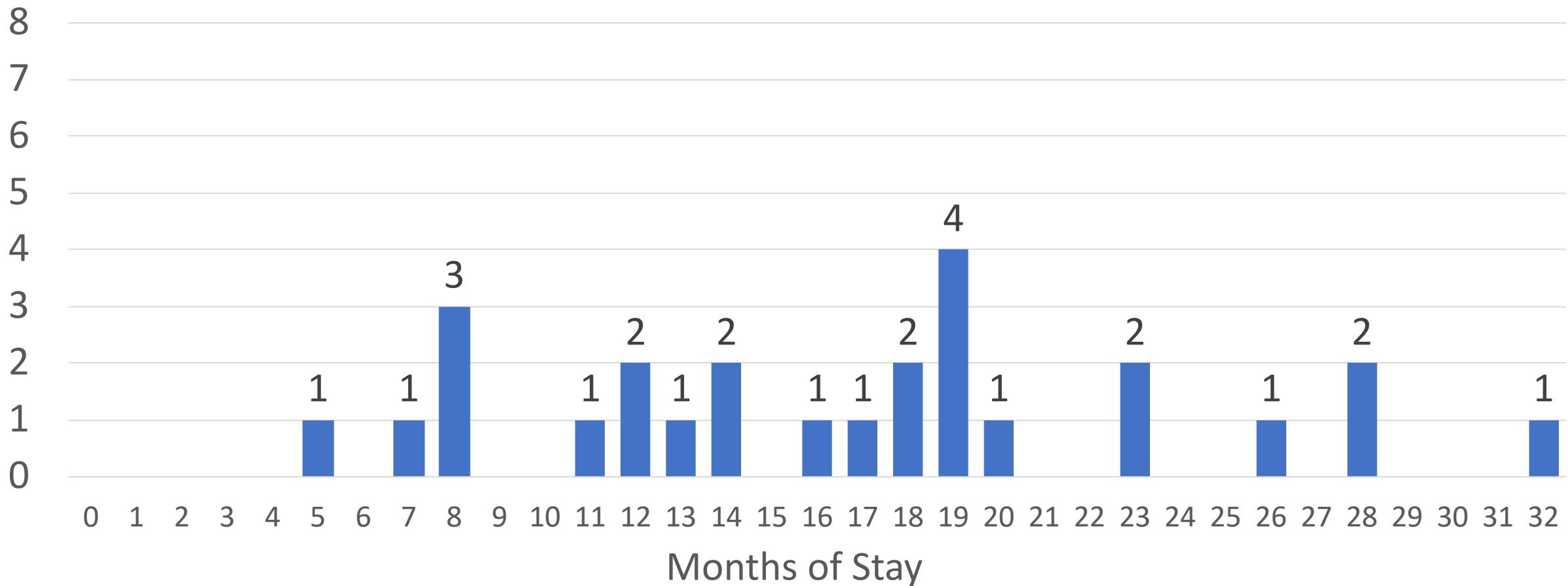


Committed Youth: Most Serious Offense at Arrest vs. Most Serious Adjudicated Offense



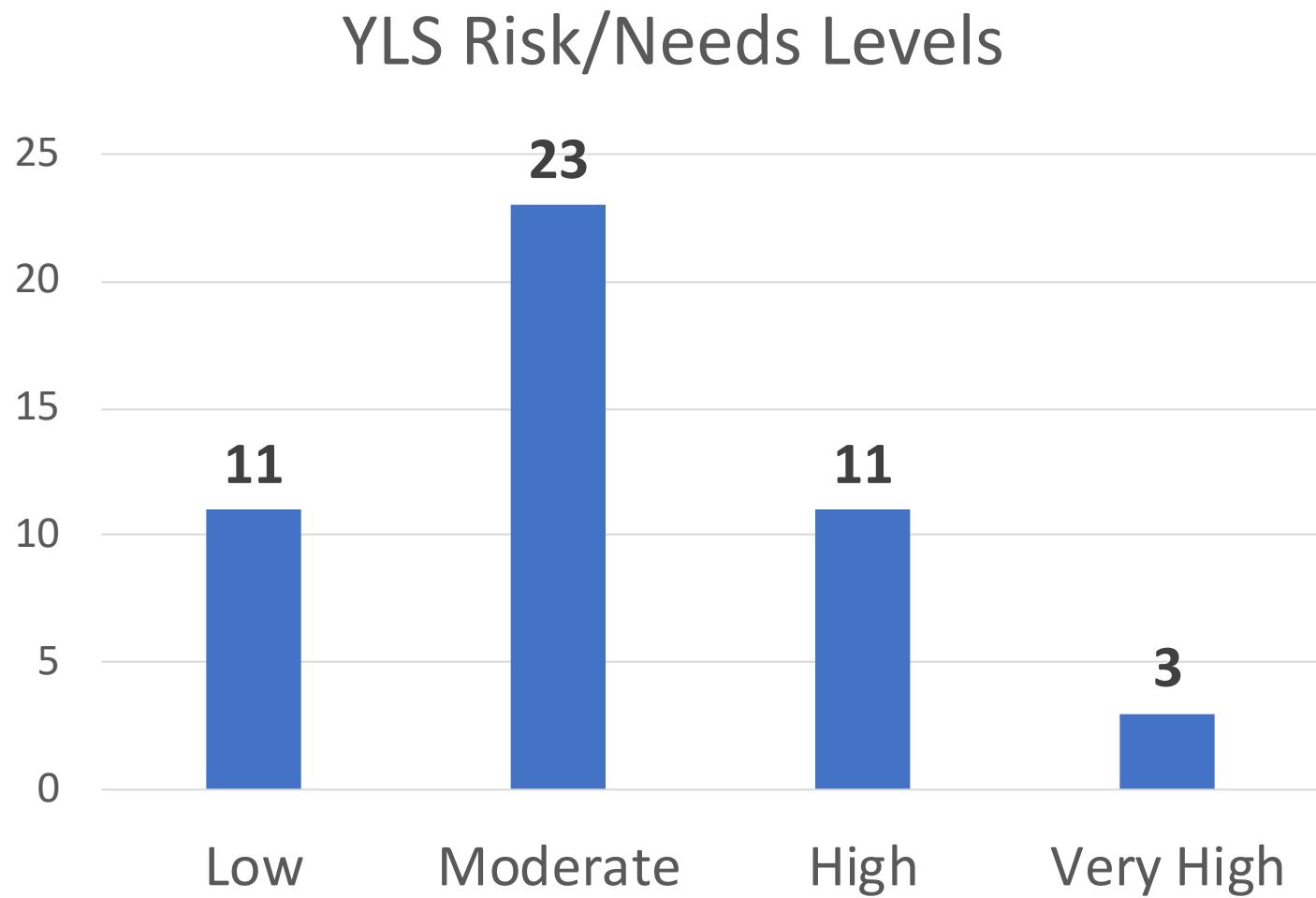
Committed Youth: Length of Stay (LOS) in Months

- 26 youth were released within the examined time period



Committed Youth: Youth Level of Service (YLS) Risk/Needs

- YLS scores indicate recidivism risk and criminogenic needs
- 71% of committed youth: low or moderate risk/needs

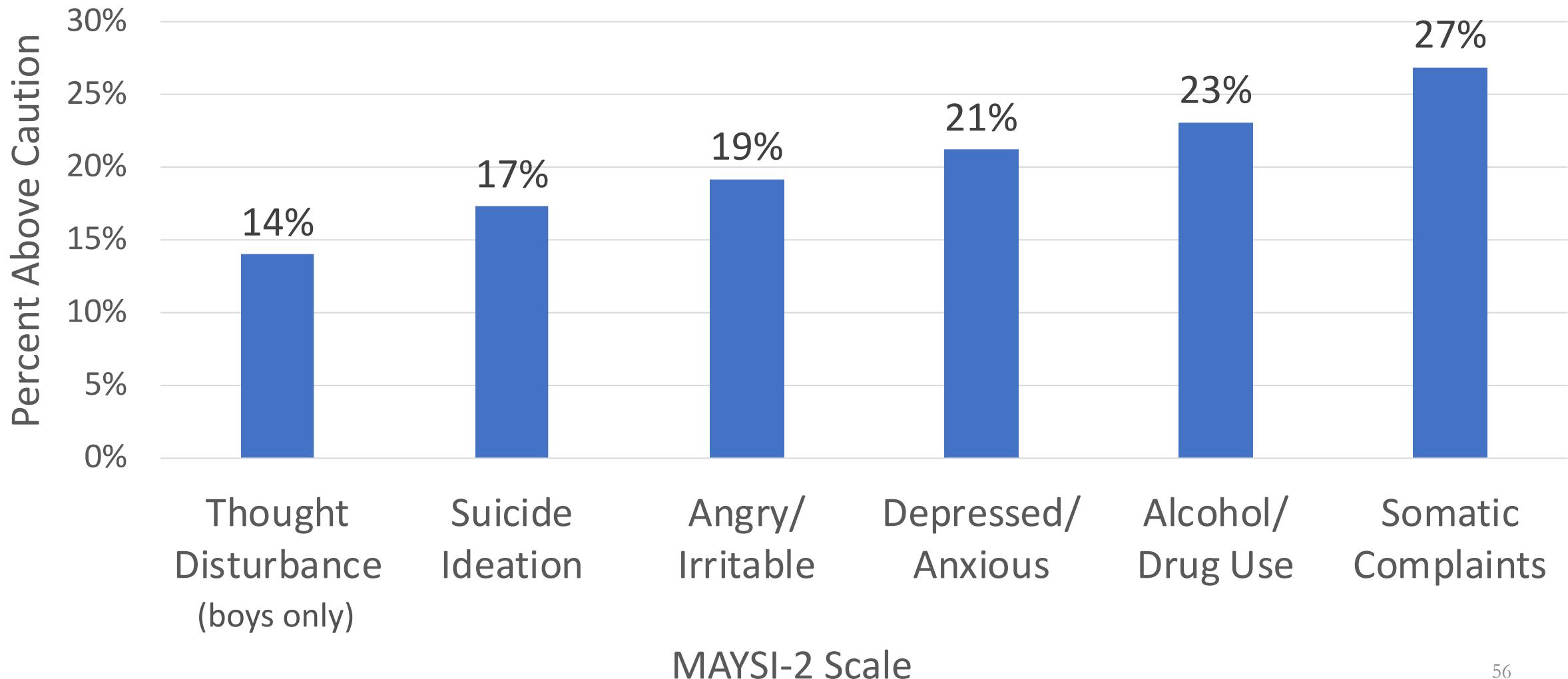


Committed Youth: YLS Score and Length of Stay for Released Youth

- On average, youth with low and moderate YLS scores spent a longer time at Long Creek than youth with high YLS scores

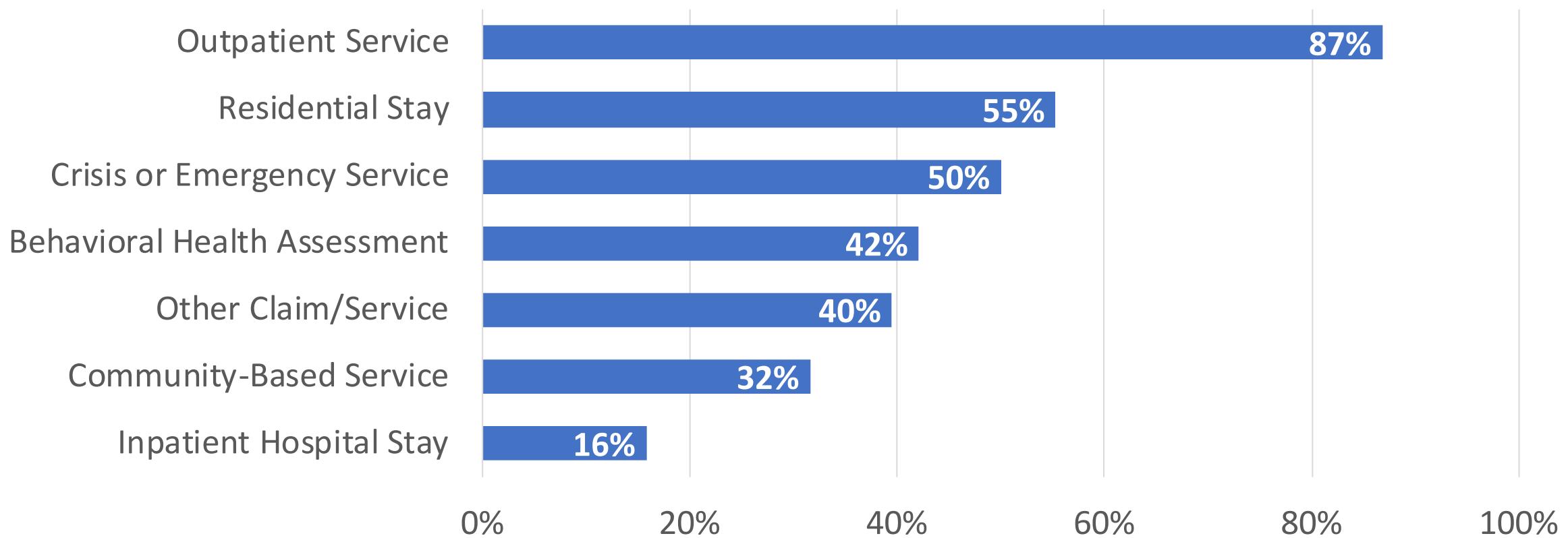
YLS Risk/Need Level	n = 26	Median LOS (in days)	LOS Range (in days)
Low	8	580	249 - 882
Moderate	14	535	153 - 985
High	4	321	239 - 707

MAYSI-2 Symptoms Upon Commitment

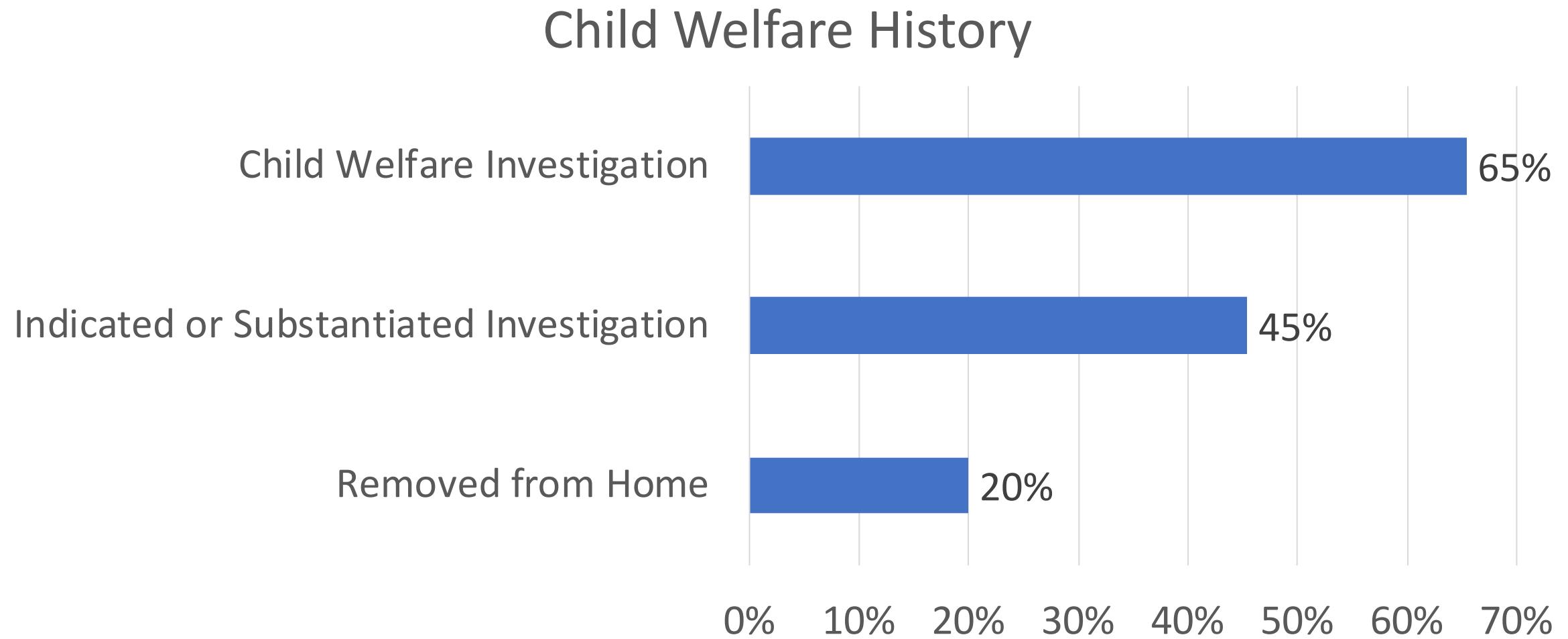


Year Prior to Commitment: Behavioral Health Services

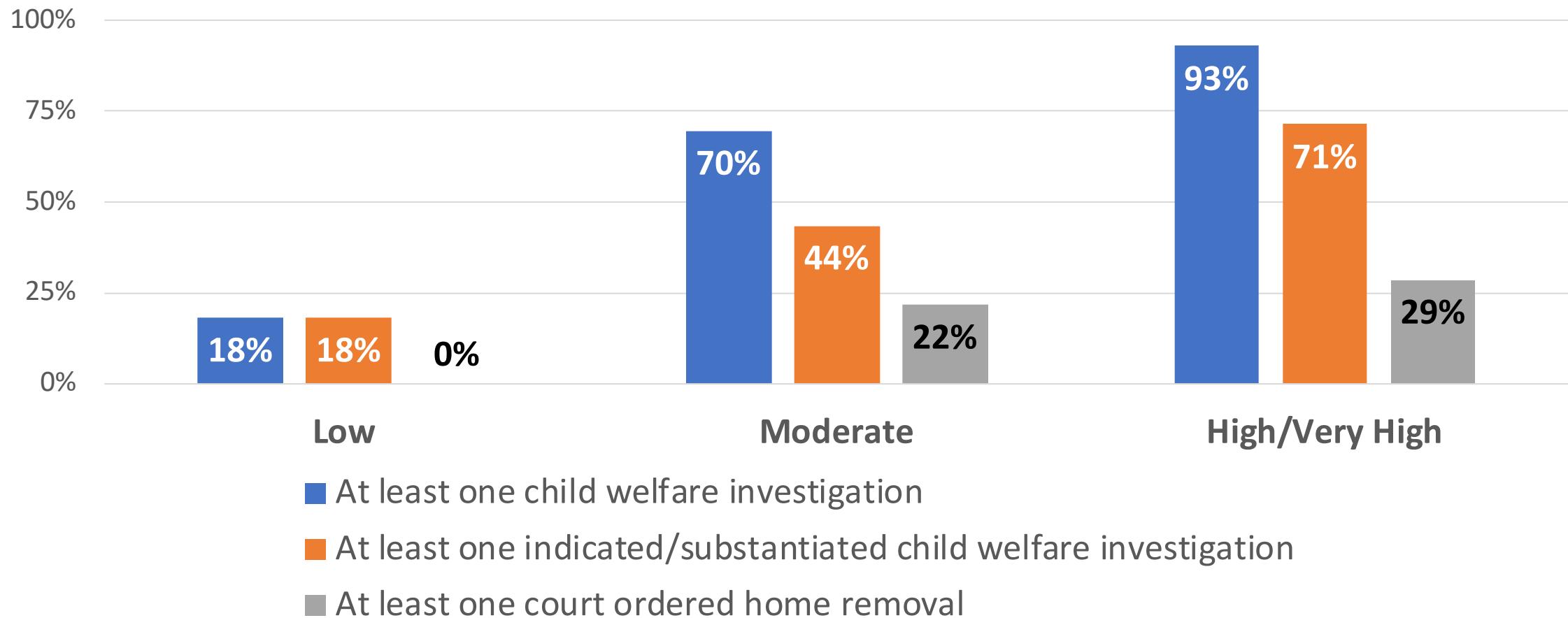
- 69% of youth received some form of behavioral health service through MaineCare in the year immediately preceding commitment to Long Creek



Lifetime Child Welfare History



Child Welfare History and YLS Risk/Needs Score



Summary and Takeaways

- Wide ranging length of stay:
 - Most detentions are 1-4 days, but some are much longer
 - Average commitment is 17 months, but some are much longer (2-2.5 years)
- No linear relationship between available YLS risk/needs level and length of stay
- Many youth are involved with both DOC and OCFS

***Understanding who is at Long Creek, why they are there, and what their needs are requires an individualized approach**

Data Recommendations

- Record Data More Comprehensively and Consistently
 - Consistently check accuracy of data coding and recording
 - Maintain all data entry (e.g., avoid overwriting with reassessments)
 - Record information about needs and services while at Long Creek
- Better Integrate Data
 - Consolidate data in accessible and easily exportable database(s)
 - Integrate data across systems (DOC, OCFS, education, etc.)
 - Integrate data over time
- Regularly Review Data
 - Ensure data is entered in consistent and interpretable ways
 - Fulfill practical needs for case management and broader system improvement

Needs of Youth in the Maine Juvenile Justice System

A. Institutional Confinement

- Some secure confinement is needed for youth who present a danger to the community, but not what the state currently has available
 - 25%-40% of the current population
 - Secure capacity should be based on a rehabilitative model such as the Missouri Model programs, New York City's Close to Home Placements, or Massachusetts' residential programs
- Psychiatric residential treatment (including forensic unit/capacity)
 - For youth with serious mental health problems, which represent a significant number of youth at Long Creek
 - Would not eject youth or rely on referrals to law enforcement

B. Continuum of Community-Based Programs and Services: Need for More

- A majority of youth at Long Creek classified as low or moderate risk could be in a different setting (including home) with investments in a community of care (localized for each community)
 - Intentional use of restorative justice programs as an alternative to formal juvenile justice processing
 - Shelter beds
 - Transitional housing
 - Mental health programs
 - Substance abuse programs
- Programs and services are needed in the northern/rural parts of the state
 - Crisis beds
 - Mobile crisis teams
- Sustained and sustainable funding
 - Multi-year funding
 - Higher reimbursement rates and higher salaries
 - Funding directly to community-based programs and services

C. Increased Emphasis on:

- Accountability and quality assurance
 - For providers
 - For the juvenile justice system as a whole
- Flexibility
- Efforts to meet the needs of the immigrant community
- Consideration of the special needs of particularly vulnerable populations
 - Immigrant youth
 - LGBTQ youth
 - Tribal youth
 - Youth with disabilities

D. Preventive Programs and Services

- Supportive programs and services for youth and families in the community
- Workforce development opportunities
- Education and special education
 - Alternatives to referrals, suspensions, expulsions

Mental Health Needs of Youth

What are the Mental Health Needs of Youth at Long Creek?

- In identifying the level of acuity among youth committed to Long Creek, we reviewed OMS claims. The claims reveal that 38/55 youth (69.1%) in the committed sample received some form of behavioral health service through MaineCare in the year immediately preceding admission to Long Creek.
- Many of those youth received the most intensive level of mental health intervention, with 55% of youth experiencing residential stays and 16% with psychiatric hospital stays (some youth experienced both).
- While the majority of youth (74.5%) lived with family prior to their commitment, the remaining youth (25.5%) resided in a residential program. **It is noteworthy that among the 26 youth who were released from Long Creek before 5/31/2019, youth who lived in a Residential Program immediately prior to commitment stayed a statistically significantly longer period of time in Long Creek**

Dealing with Aggressive Youth – A Hidden Problem

- Many Task Force members identified the aggressive behavior of some youth as a significant challenge for providers, resulting in youth not being able to be managed in unsecure mental health settings, leading to removal from the program and a likely lengthy stay at Long Creek or transfer to an out-of-state facility.
- Studies have found the incidence of traumatic brain injury (TBI) among young people in custody is between 49% and 72% with between 16.5% and 49% having experienced TBI with loss of consciousness (LOC).*
- Frequently, youth with TBI are misdiagnosed as having one or more mental health disorders and attempts to treat them with psychotropic medications are not effective in managing the aggressive behavior.

* *The Prevalence of TBI Among Young Offenders in Custody: A Systemic Review. Journal of Head Trauma Rehabilitation 30 (2):94 – 105, (2015). Nathan Hughes, William H. Williams, Prathiba Chitsabosan, Rebecca C. Walesby.*

Recommendations Regarding the Screening of Youth for TBI

- It is strongly recommended that all youth be screened for TBI at every entry point into either the mental health or juvenile justice system.
- The most successful treatment strategy for TBI is neurofeedback. Office or hospital-based resources should be identified that are available to provide this intervention for youth identified as suffering TBI.

Evidence-Based TBI Screening Tools			
TBI Screening Tool	Description	Administration	Validated in Correctional Settings
<u>Ohio State University Traumatic Brain Injury Identification Method (OSU TBI-ID)</u>	First 5 items of the OSU TBI-ID asking for recall of blows to the head or neck in high velocity of forces.	5 minutes. No fee for use. Health care and social service providers can be easily trained on this measure via web-based modules at https://tbi.osu.edu/modules Also download Ohio State University TBI Identification Method — Interview Form	Yes
<u>Brain Injury Screening Questionnaire (BISQ)</u>	Structured questionnaire that characterizes incidence and severity of lifetime exposure of TBI, as well as symptoms in attention/memory, depression, anxiety/mood, aggression/impulsivity, depression, and physical symptoms.	May be administered via interview or self-administration and can be conducted as self- or proxy-report assessment. There are costs associated obtaining the BISQ which includes access to it and training, as well as a system for scoring and clinical report. More information	Yes
<u>Traumatic Brain Injury Questionnaire (TBIQ)</u>	Structured interview regarding frequency and severity of instances of head injury, including cognitive and behavioral symptoms.	15 minutes. No fee for use.	Yes

Children's Behavioral Health Service Array



Continuum of Mental Health Care

- All providers and stakeholders with whom we spoke identified significant shortages in the availability of all services identified in the continuum of care.
- The Maine Department of Health and Human Services, Office of Child and Family Services, issued Children's Behavioral Health Services Final Report (2018) and found the following issues:
 - **Access** – Children's behavioral health services are not available immediately (or at all)
 - **Proximity** – Behavioral health services are not always available close to the community where children live
 - **Appropriateness** – When children do get services, it is not always the right service
 - **Coordination** – Coordination with other child-serving agencies and transition to adult services is inadequate

Why Are There Shortages?

- Shortages identified in the continuum of care need to be addressed.
- In the past few months, several MST teams in Maine have closed, as the organizations with those MST teams were financially unable to sustain the teams using the current unit rate for treatment (\$31.06 per 15-minute unit).
- This rate is substantially lower than rates in other states that use a Medicaid unit rate to fund MST.
 - Examples: Nebraska @ \$38.24; Washington, DC @ \$51.96; Delaware @ \$48.75

Why Are There Shortages? (cont'd)

- Catholic Charities Behavioral Health Network noted the low reimbursement rate for FFT (2018) as not viable:

“Regarding viability, Maine FFT providers have operated with the lowest Medicaid rates in the nation. While other states are increasing rates based on the positive outcomes (keeping at-risk youth in the home/community/school, and reducing re-offense rates) that result in cost savings due to the avoidance of out of home placement in residential or detention centers, Maine remains stuck at an original rate of \$28.74. Again, it is the lowest in the nation.”

Reimbursement Rates for These Critical Services Need to be Enhanced for Services to Remain Viable

- Staffing shortages have occurred due to the insufficient reimbursement rates and has led to the hiring of staff without the necessary qualifications and training to provide the services they were hired to provide (e.g., mobile crisis teams are staffed by BA-level clinicians when the job calls for a MA-level clinicians).

Development of a Continuous Quality Improvement Program

- Many Stakeholders identified the need for a comprehensive Continuous Quality Improvement (CQI) program to assess the success and efficacy of the mental health services and supports being provided n Maine.
- Mental health agencies have been increasingly required by their accrediting bodies to specify and implement plans to continuously monitor and improve the quality of the services they provide ([Commission on Accreditation of Rehabilitation Facilities, 2008](#); [Council on Accreditation, 2008](#); [Joint Commission, 2008](#)).
- Quality determines whether services increase the likelihood of achieving desired mental health outcomes and whether they meet the current requirements of evidence-based practice.
- Quality is important in all mental health systems because good quality ensures that people with mental disorders receive the care they require and that their symptoms and quality of life improve.

Mental Health Service Provider Contracts and Requirements to Perform CQI Activities

- None of the contracts reviewed – including Day One, Crystal Springs, Inc., and MaineHealth dba Maine Behavioral Healthcare -- required a CQI component to be in compliance with the contract.
- Performance measures are identified in some contracts, but assessment of the efficacy of these services is not required by contracts (i.e., outputs vs. outcomes).

Continuum of Mental Health Care

- Stakeholders identified the following needs:
 - Shelter beds
 - Transitional housing
 - Improved mental health programs
 - Substance abuse programs
 - Programs and services in northern part of the state
 - Crisis beds/Respite beds
 - Mobile crisis teams
 - Locked PRTF (secure psychiatric residential beds)
 - Sustained and sustainable funding
 - Regionally organized case management

The Workforce Crisis in Maine

- All providers and agency administrators report an insufficiency in the number and availability of mental health staff to provide both in-patient and out-patient services. This is attributed to the lack of adequate funding to hire and maintain qualified staff.
 - Sweetser, Spurwink and Spring Harbor all reported they have empty beds because of lack of staff.
 - Spurwink reported they had 35 families waiting for FFT services.
 - Spring Harbor reports that though they are an acute care psychiatric facility with intended stays of two weeks, many youth wind up staying for six months or longer because there are problems with discharge – no place for kids to go.
 - Long Creek leadership reports that “the lion’s share of kids in detention are waiting for programming in the community.” And further, “the purpose of detention is to deal with system failure-lack of community-based detention alternatives, lack of robust array of community based behavioral health services, lack of home supervision until long term placement is found.”
 - As noted above, some of the most effective community-based interventions such as MST and FFT have been reduced or eliminated because of reimbursement rates.

Example of Comprehensive Community-Based Systems of Care

- **Washington DC's DC YouthLink** is a coalition of community-based organizations under the umbrellas of two anchor non-profits that deliver an array of services for youth and families. DC YouthLink service providers work with the Department of Youth Rehabilitation Services and sister agencies within the District to offer court-involved youth and families with supports and services.

Crosscutting Issues

Crosscutting Issues

- Maine has a strong culture of collaboration within the juvenile justice system, which has resulted in significant reforms and results over the last 10 years, notwithstanding ongoing challenges and problems.
 - Diversion
 - Introduction of restorative justice
 - Reduced use of incarceration
 - Limiting transfer to adult court
 - Development and use of new programming intended to work in different ways

Crosscutting Issues

- As noted earlier, chronic under-investment in behavioral health and other services has left the state with fewer options to meet youth's needs, but under-investment is only part of the story.
- There is clear frustration and pain among youth and families in the juvenile justice system – as well as those who work within it.
 - Recognition of the inadequacy and shortcomings of current responses and approaches
 - Desire for existing child-serving systems, particularly public schools, to serve as earlier points at which to identify and address unmet needs
 - Recognition that there are many youth in the deepest end of Maine's juvenile justice system not because of violent crime but because of unaddressed or under-addressed behavioral health problems, a belief that there are no other places for those youth to go, or delays in securing another type of placement or a community-based service

Crosscutting Issues

- **State agencies must work together to solve long-standing and chronic problems.**
 - Place Matters puts forward a strategy for investing in a local continuum of care, where communities, institutions and systems including the behavioral health, child welfare and youth justice systems work together toward shared outcomes.
 - Collaboration between DOC, DHHS, DOE, DOL, and other agencies that have responsibilities for youth are essential. The current climate has seen increased opportunities for collaboration across agencies, which is a strength that should be built upon in responding to recommendations from the assessment.

Crosscutting Issues

- **Funding is not currently allocated and distributed in a way that supports coordinated communities of care to respond to youth who have contact with the justice system.**
 - Many interviewees noted that local communities know what they need and want to have a voice in how funding is allocated.
 - DOC does make funding available to some providers in the community, but this is different than resourcing locally-based entities and individuals to develop their own communities of care.
 - There are obvious challenges in developing communities of care (available resources, geography of the state, etc.), but this is where investments must be made to get the best results for youth, families, and communities.

Crosscutting Issues

- **The rural nature of many parts of Maine presents challenges in working with youth and families, although these are challenges other states have had to confront as well.**
 - Availability of programs and services generally
 - Setting realistic expectations and using existing resources creatively
 - Shared belief that those in the rural parts of the state may work harder to keep youth in communities with less, but then may be penalized for doing so when resources are allocated in the future

Crosscutting Issues

- **Designate or create an entity that is charged with training judges, prosecutors, defense attorneys, and other juvenile justice personnel on adolescent development, research on effective interventions with youth, and the harms associated with out-of-home placement**
 - Necessary because of geographic variability and lack of dedicated juvenile judges, prosecutors, and defense attorneys in many parts of the state
 - Necessary because the state lacks a juvenile public defender system
 - Necessary to keep all stakeholders informed about national best practices and trends

Crosscutting Issues

- **Maine needs a mechanism to ensure on-going system improvement and to ensure that the recommendations of this assessment and other processes are implemented.**
 - The work of on-going juvenile justice system improvement is not a project, it is a way of doing business.
 - Key stakeholders support the idea of creating or building upon an existing collaborative to create a multi-disciplinary stakeholder committee to focus on the implementation of the reforms undertaken as a result of this process, and to continue improving the juvenile justice system as a matter of long-term practice.

Arrest and Diversion

Preliminary Findings: Arrest

According to *Crime in Maine, 2018*, arrests of youth are on the decline:

- Between 2008 and 2018 juvenile arrests decreased by 58.3%, from 6842 arrests in 2008 to 2852 arrests in 2018.
- Between 2017 and 2018 juvenile arrests decreased by 7.1%, from 3055 arrests in 2017 to 2852 arrests in 2018.

Top Five Juvenile Arrest Types, 2018

Of the top five juvenile arrest types, Larceny-theft and assaults also make up the top two reasons for detention and commitment to Long Creek.

Offense Type	Number of Arrests	Percent of Total Arrests
Larceny-theft (non-auto)	530	18.6%
Other assault	528	18.5%
All other offenses (except traffic)	475	16.6%
Liquor laws	389	13.6%
Drug Abuse Violations	302	10.5%
2018 Total Juvenile Arrests	2,852	100%

Source: Maine State Police, Crime in Maine, 2018,

<https://www.maine.gov/dps/msp/sites/maine.gov.dps.msp/files/inline-files/077%20Arrests.pdf>

Preliminary Findings: Interviews

- Police reported feeling targeted for doing their job and frustrated by both the system and the lack of connection to the communities they police.
 - Police trying various ways to connect to the community.
 - Cultural issues.
 - System issues.

Preliminary Findings: Interviews

- **Representatives from immigrant communities and poor communities, and their advocates, reported that youth feel targeted, not protected by police.**
 - Disparities in police contact with poor and immigrant people/differential policing between white neighborhoods and poor neighborhoods of color.
 - Youth report "friendly" police strategies are designed to obtain information, not to develop positive relationships.
 - Interviewees noted that some police see all kids from certain areas as "bad."

Preliminary Recommendations: Arrest

- **Focus on reducing thefts (non-auto) and assaults via community prevention strategies.**
 - A deeper dive into the specifics of these types of offenses should guide prevention efforts. Potential strategies include increased primary delinquency prevention campaigns focused on theft (e.g., Sedgwick County, KS), stationhouse adjustment strategies, and diversion strategies geared towards youth accused of theft and assault.
- **Create opportunities that allow law enforcement agencies options to divert youth directly to programs and services**
 - Example: Philadelphia Police-School Diversion Program (handoff to DHS social workers in lieu of arrest)
 - Example: Madison, Wisconsin, Police Department (direct referrals to restorative justice providers in lieu of issuing municipal citations)

Preliminary Recommendations: Arrest

- **Develop and implement strategies to connect community and police in a positive way.**
 - Interviewees suggested police attending community events to participate as community members. For example, hold cooking events where officers can learn from kids and kids can learn from officers about how to cook traditional dishes and American food. Another suggestion was to make connections through sports like soccer.
 - Work with Community Partnerships for Protecting Children (<https://www.cppcmaine.org>) to develop programs focused on connecting community and police.

Preliminary Recommendations: Arrest

- Work with Strategies for Youth, which is based in Boston, to develop plans for connecting community and police (e.g., “Juvenile Justice Jeopardy”) (www.strategiesforyouth.org)
- Consider using Police-Youth Dialogues Toolkit (Center for Court Innovation) (www.courtinnovation.org/publications/police-youth-dialogues-toolkit)
- Work with the Pennsylvania DMC Youth/Law Enforcement Curriculum (<https://penndmc.org/law-enforcement-curriculum/>) to improve relationships between youth of color and law enforcement officers

Preliminary Findings: Diversion

“Diversion is when a youth referred to the DOC (charged or summons) is diverted from court. Most diverted youth are referred to diversion programming to address the offense.”

- Restorative Justice: seeks to repair harm to the victim and community through restorative mediation.
- Spurwink Diversion to Assets: uses a case management model to work with youth diverted from court. Model includes youth & family meetings, focus on assets and building competencies, restorative practices and community services.
- Learning Works, Service Works (2014): provides community service projects for young people making amends for non-violent offenses as a positive alternative to juvenile justice system involvement.

Preliminary Findings: Diversion

- Increased use of diversion is widely seen as a driver for reducing the detained and committed population at Long Creek.
- “The majority of youth referred to Maine DOC from law enforcement were diverted. From 2010 to 2014, diversion rates increased from 74% to 77%. Ninety-three percent (93%) of youth who were diverted did not recidivate within two years of diversion. It is clear that the practice of diversion works.”
Youth Recidivism: Diversion to Discharge in Maine’s Juvenile Justice System (2017)
- Statewide diversions 2018:
 - All diversion eligible cases= 784
 - All diverted cases= 674
 - Total diversion rate= 86%
 - Rate of cases eligible but not diverted= 14%
- Diversion recidivism rate (2017)= 7%

Comparison JDAI Diversion and Maine Diversion

JDAI: Population	Maine
Offered to all youth who are not involved in serious offenses and who do not present a risk to public safety.	Broad guidance in statute and in DOC policy. JCCO/DA must agree that diversion is in the interest of the public and/or the youth.
All misdemeanor cases and all first-time non-violent felony cases referred to diversion.	Yes
Also offered to many youth facing second or third-time felony charges, depending on assessed risk of re-arrest and other case specific factors.	Allowable, but not clear how often this happens.
At least 60% of delinquency cases diverted.	Yes

Comparison JDAI Diversion and Maine Diversion

JDAI: Interventions and Programming	Maine
Diverted youth never placed on probation caseload.	Yes
Most diverted youth receive only a warning.	28% no further action (2017)
Many others assessed and referred to programs, opportunities and resources, with no follow-up.	72% sole sanction or other informal adjustment (2017)
Intensive intervention services available to diverted youth with serious needs.	No
No fees or financial costs for families (beyond reasonable restitution orders).	Fines are typically not imposed as part of diversion agreement.

Comparison JDAI Diversion and Maine Diversion

JDAI: Role of Probation Agency	Maine
Responsibility (and funding) for diversion transferred to community organizations and/or non-court public agencies. Ideally, diversion overseen by a single community-based organization or by a coalition of organizations.	DOC decides which community-based programs to fund
Ideally, diversion overseen by a single community-based organization or by a coalition of organizations.	JCCOs monitor youth completing period of Informal Adjustment.

Comparison JDAI Diversion and Maine Diversion

JDAI: Consequences for Non-Compliance	Maine
No court consequences for non-compliance with diversion.	Non-compliant youth can be referred to court
Failure in diversion results in unsuccessful completion, which can limit eligibility for diversion in any future cases but cannot lead to referral back to court.	Non-compliant youth can be referred to court

Preliminary Recommendations: Diversion

- Continue diversion with a focus on improving procedures to further mirror best practices
 - Provide more specific, written criteria for diversion eligibility
 - Examine how often diversion is offered to youth charged with 2nd or 3rd time felony charges. Review practices regarding the use of risk assessment and other factors
 - Consider transferring responsibility and funding to a community provider or coalition of organizations or to a non-court public agency that will oversee diversion, rather than DOC/JCCOs.
 - Ensure access to diversion programming statewide

Preliminary Recommendations: Diversion

- Increase the number/percent of youth who receive a “no further action” diversion
- Create policies where unsuccessful diversion can result in limited eligibility for future diversion but does not end in court processing
- Regularly and widely share data on the use of diversion and its outcomes

Preliminary Recommendations: Diversion

- *OJJDP Model Programs: Diversion from Formal Court Processing*
 - **Adolescent Diversion Program (Michigan State University):** is a strengths-based, university-led program that diverts arrested youth away from formal judicial processing and provides them with services within their community. The goal of the program is to prevent future delinquency by strengthening a youth's attachment to family and other prosocial individuals and avoiding potentially stigmatizing environments such as juvenile detention.
 - ADP program is an 18-week intervention, tailored to the specific needs of each youth, The caseworkers spend 6–8 hours per week with youths in their homes, schools, and communities.
 - During the first 12 weeks of the program, called the active phase, caseworkers spend time each week providing direct assistance, identifying resources, and improving skills in areas such as family relationships, school issues, employment, and free-time activities.
 - During the last 4 weeks, case workers transition to the role of consultant, where they prepare youths to use the techniques and strategies they have learned following the end of ADP.

Preliminary Recommendations: Diversion

- *OJJDP Model Programs: Diversion for Formal Court Processing*
- **Special Needs Diversionary Program (SNDP):** is a diversion program in Texas designed for youths with mental illness who commit offenses.
- The goal of SNDP is to offer mental health treatment in conjunction with specialized probation supervision to juveniles ages 10–17, who display low levels of conduct and mental health disorders, with the aim of rehabilitating and preventing them from subsequent delinquency.
- Using a wraparound model, the program is an intensive case-management strategy that uses probation and professional mental health staff from community-based services to provide individual and group therapy, life-skills training, mentoring, anger-management classes, parental education, and support.

Detention

Purposes of Detention

Purposes of Detention – M.R.S. Title 15, Section 3203:

C. Detention, if ordered, must be in the least restrictive residential setting that will serve the purposes of the Maine Juvenile Code as provided in Section 3002 and one of the following purposes of detention:

1. To ensure the presence of the juvenile at subsequent court proceedings;
2. To provide physical care for a juvenile who can not return home because there is no parent or other suitable person willing and able to supervise and care for the juvenile adequately;
3. To prevent the juvenile from harming or intimidating any witness or otherwise threatening the orderly progress of the court proceedings;
4. To prevent the juvenile from inflicting bodily harm on others; or
5. To protect the juvenile from an immediate threat of bodily harm.

Best Practices: Purposes of Detention

Purpose of Detention – Best Practices

National best practices and standards identify two specific purposes of detention:

- (1) Ensuring appearance at court; or
- (2) Ensuring community safety.

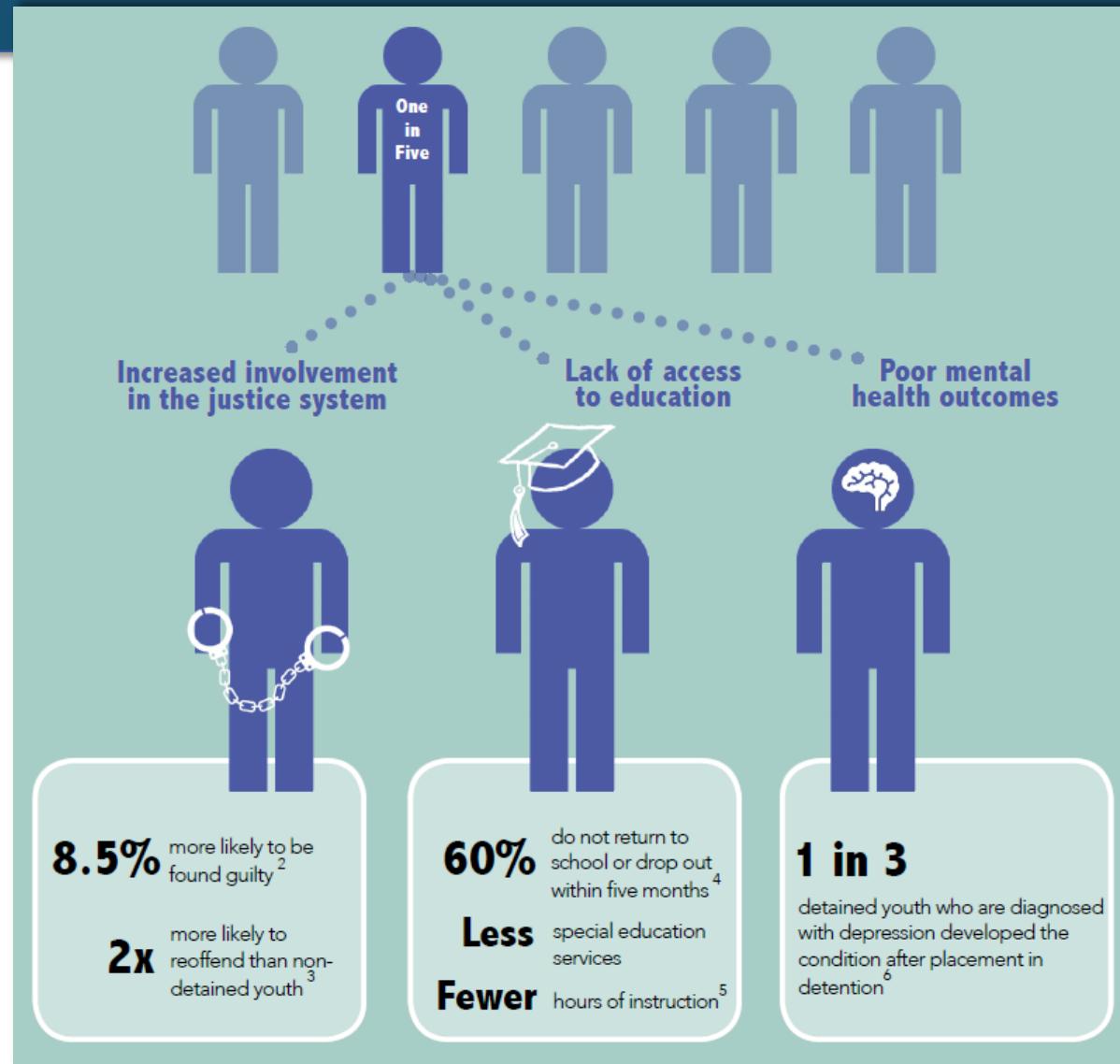
Detention should *not* be used:

- To treat youth, “save youth,” provide services, or to plan for commitment;
- To deliver services to youth that are not available in the community;
- To detain low and medium risk youth;
- To detain youth charged with minor and non-violent charges; or
- To detain youth on technical violations.

Dangers of Detention

Harms and Risks of Detention

- Disrupts connections to family, school, and communities
- Exacerbates mental illness and risk of self-harm
- Increases likelihood of delinquent behavior
- Slows the natural aging out process of delinquency

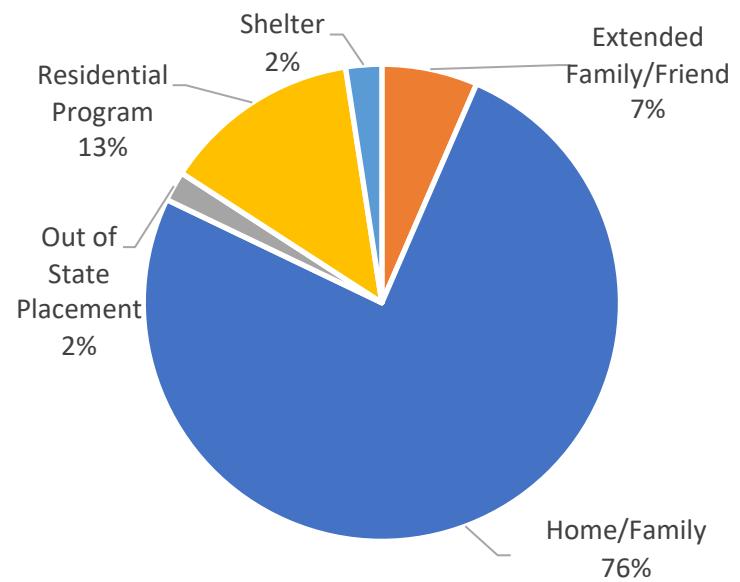


Overview of Preliminary Findings: Detention

- **Maine Has Achieved Reductions in the Detention Population**
 - Reduced annual number of detained youth by 56% between 2010-2018
 - Average daily detention population decreased from 26.1 to 15.2 between 2010-2019
- **Opportunities for Improvement**
 - Detention is used due to a shortage of appropriate programs and services
 - Youth have long detention stays awaiting placement or community service
 - Detention is used for non-violent offenses and other low and medium risk youth
 - More than half of youth are detained to “provide care”
 - Detention is used due to perceptions and concerns about families' ability to provide care
 - Detention risk screening has weights toward detention
 - Much of detention is unnecessary: almost half of youth are detained three days or less
 - Some low and medium risk youth are detained more than 30 days

Detention Due to Lack of Alternatives

- **Detention Due to the Lack of Alternative Programs and Services**
 - Maine stakeholders, DOC staff, and judges noted that they detained youth, even though detention was not appropriate, because there were no other available options
 - 17% of youth entered detention from another residential placement or a shelter
- **Long Detention Stays Awaiting Alternative Placements or Programs**
 - 16.3% of detentions exceeded 30 days
 - Of those youth, 73% were waiting for placement or community-based programming

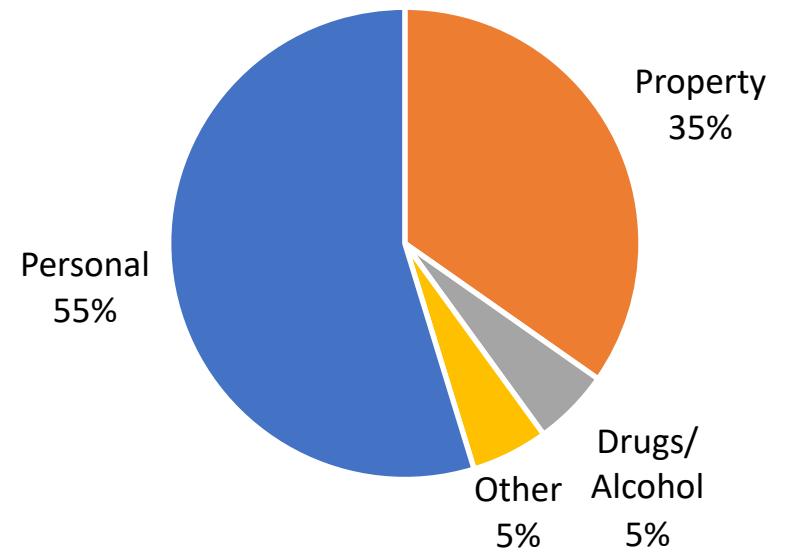


Detention of Low and Medium Risk Youth

- **High Rates of Detention for Non-Violent Offenses**

- In 45% of detention cases, the offense was *not* a crime against person
- Over 47% of specific detention offenses were non-aggravated assault, theft, or criminal mischief

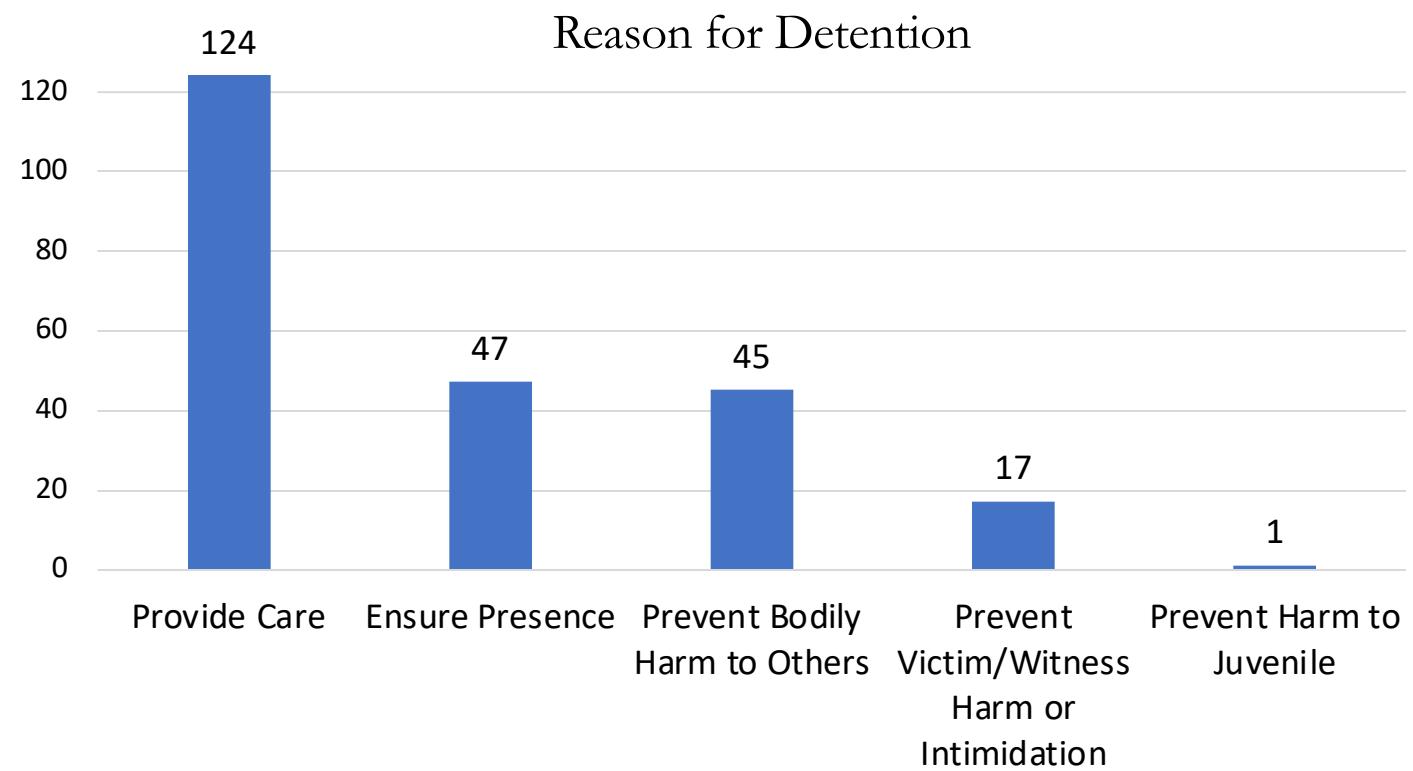
All Detentions: Offense Type



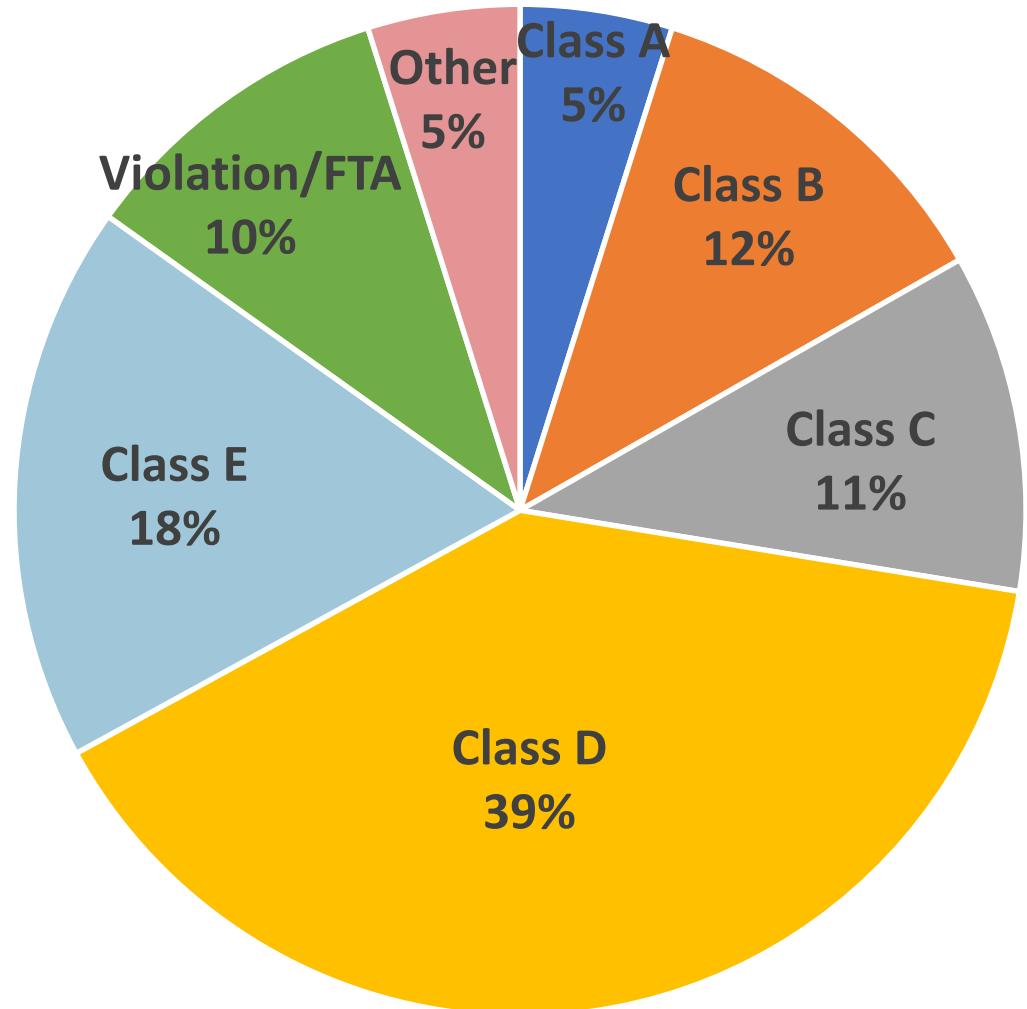
Detention to “Provide Care”

A Majority of Youth in Maine Are Detained to “Provide Care”

- The reason for 52.99% of detention incidents was to “provide care” because no parent/ other suitable person exists to supervise and care.
- Only 20.1% of detentions were to ensure presence in court.
- 26.5% of detentions were to prevent harm to others or witness intimidation.
- Anecdotal information suggests lack of cultural competence and communication style may contribute to the inaccurate perception that families cannot care for youth.



Detention Cases: Class of Most Serious Charge ($n = 186$)



- 57% of detentions had Class D or Class E misdemeanors as most serious charge
- “Other” includes status offenses (e.g., possession of alcohol, runaway) and immigration-related issues (e.g., ICE hold)
- For Violation/FTA, information was unavailable about the charges for which youth were on probation or conditional release

Racial and Ethnic Breakdown: Detained Sample*

		White	Black/African American	Other
Maine (n = 254)	n	185	59	10
	% of all sample youth	72.8%	23.2%	3.9%
	State Census data	94.6%	1.6%	3.7%
Cumberland (n = 77)	n	44	29	4
	% of county youth in sample	57.1%	37.7%	5.2%
	County Census data	92.2%	3.1%	4.7%
York (n = 38)	n	35	2	1
	% of county youth in sample	92.1%	5.3%	2.6%
	County Census data	95.5%	1.0%	3.5%
Androscoggin (n = 41)	n	24	17	0
	% of county youth in sample	58.5%	41.5%	0.0%
	County Census data	91.9%	4.4%	3.7%

*3 cases were missing race data; youth population data comes from State and County Census data.

Reasons for Detention

- **Many Youth Are Detained on a Violation of Release or Probation**
 - The detention criteria listed for 66.1% of admissions was a violation of conditional release, new arrest *while on* conditional release, or a violation of probation
 - Almost 30% of detention types involved technical violations of conditional release or supervision

Detention Risk Screening

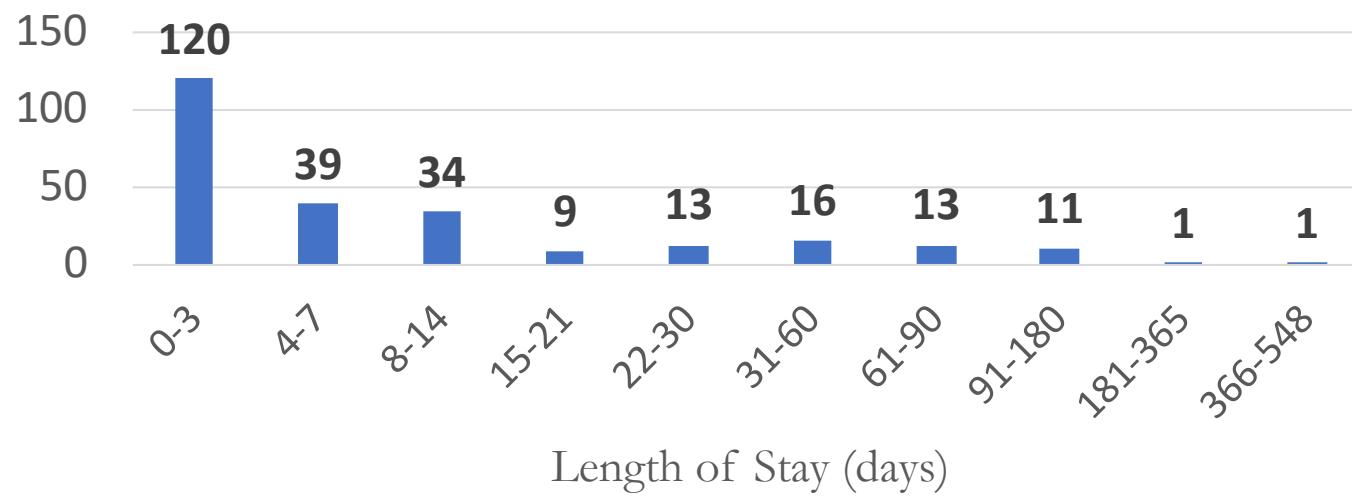
- Maine's Risk Assessment Instrument gives broad discretion. It counts charges in addition to the most serious charge. There are “aggravating” factors but no “mitigating” factors. Many youth are detained when the RAI indicates release.
 - Over 28% of RAI scores were outside the discretionary range. In 70.7% of those cases, no reason was listed for deviation from the RAI indicated decision.
 - In 71.6% (164) of detention cases, the RAI score gave JCCOs discretion to release youth.

Score	RAI Indicated Decision	Youth Detained
0-5	Release unless juvenile in serious jeopardy	11 (4.8%)
6-9	Release unless community in jeopardy	54 (23.6%)
10+	JCCO discretion to release or detain	164 (71.6%)

A green arrow points upwards next to the 'Youth Detained' column, with the text '28.4%' written vertically next to it. A red circle highlights the value '164 (71.6%)' in the bottom-right cell.

Detention Length of Stay for 0-3 Days

- 47% of youth were detained 0-3 days, indicating that detention was not necessary for public safety.



- Median LOS for all detention cases ($n = 257$): 4 days
- Mean LOS: 19.49 days
- LOS Range: 0 to 438 days

Who Are These Youth?

- 61% of youth assessed as low risk
- 40% of youth assessed as medium risk
- 41.9% of youth assessed as high risk

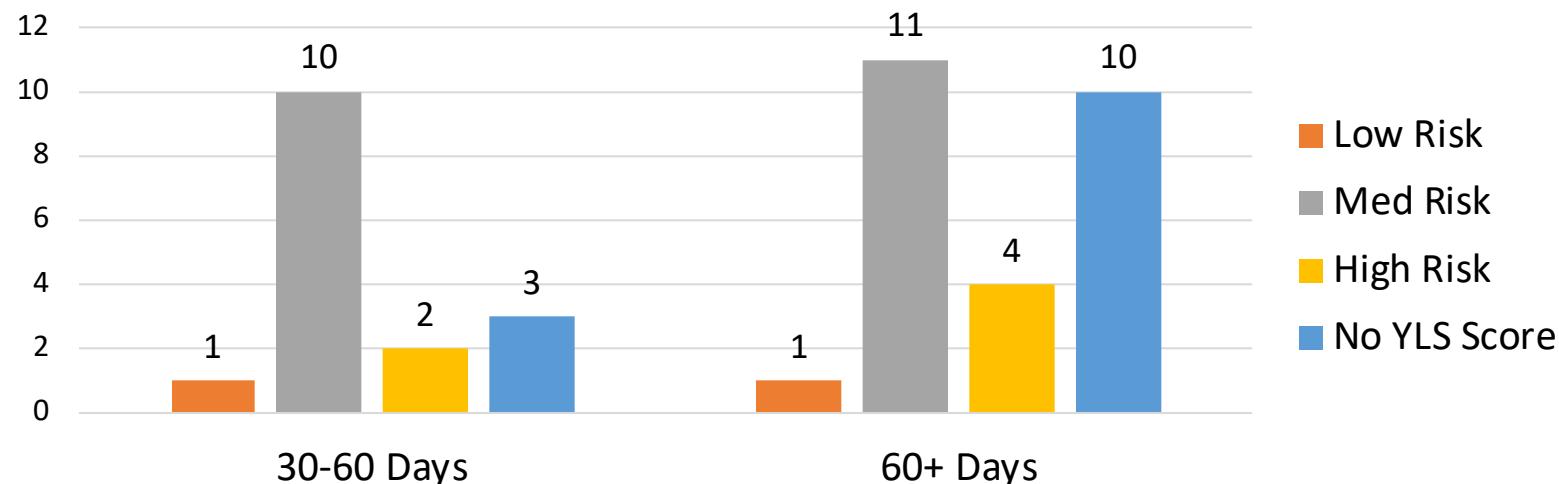
Long Detention Length of Stay

- Significant numbers of youth are detained longer than 30 days. Many of these are low and medium risk youth.

Youth Detained Over 30 Days

- 42 youth were detained > 30 days
 - 11.2 % of youth assessed as low risk were detained > 30 days
 - 17.7% of youth assessed as medium risk were detained > 30 days

Detention Stays Longer Than 30 Days



Preliminary Recommendations: Detention Criteria

- Limit the use of detention to “provide care” and require specific findings, to reduce the high volume of youth detained to for that reason
- Revise the Detention Risk Assessment Instrument with objective criteria, points for only the most serious offense, and “mitigating” circumstances that demonstrate youth or family strengths
- Provide guidance in statute and policy encouraging JCCOs to use Conditional Release to effectuate purposes of detention
- Mandate the use of graduated responses and community supports prior to detaining youth on technical violations

Preliminary Recommendations: Detention Alternatives

- Develop alternatives to detention that provide supervision without incarceration (e.g., day or evening reporting centers, YAP, intensive shelter care)
- Develop programs to address youth's needs in order to provide judges and JCCOs with non-detention options (e.g., mental health programs, drug and alcohol programs, crisis beds/mobile crisis teams)
- Enhance community supports to reduce detention based on families' perceived inability to "provide care" (e.g., crisis beds, restorative justice programs, mobile family support services, social skills, transportation, food security, and physical wellness)
- Develop detention alternatives to support youth without current housing options (e.g., additional shelter beds, group homes, foster care)

Preliminary Recommendations: Detention Length of Stay

- Do not detain youth who will be released in a few days
- Create additional residential and community programs and services to reduce lengthy detention stays for youth who are detained after disposition but awaiting placement
- Work with providers in addition to YAP to establish “no reject, no eject policies”
- Develop differential warrants for types of violations of probation or court orders (e.g., Pierce County, WA)

Probation and Community Reintegration

Preliminary Findings: Probation and Community Reintegration

- There are many conscientious and caring Juvenile Community Corrections Officers (JCCOs) who are trying very hard to prevent placement out of home, particularly in rural parts of the state
- Most JCCOs, if not all, see themselves as more than just monitors of compliance with terms and conditions, although many youth did not share this view
- There is a general recognition that probation and community reintegration must be focused on skill-building, positive youth development, and connection of youth to positive community-based programs and resources
- There was widespread recognition of the need for “credible messengers” from youths’ own communities who can develop lasting relationships with youth, and there was general praise for the introduction of Youth Advocate Programs (YAP) this past year

Preliminary Findings: Probation and Community Reintegration

- Nevertheless, there are several areas where current Probation and Community Reintegration practices depart from best practices
- **Use of standard terms and conditions and lengthy lists of conditions**
 - Of the detained youth population analyzed for the assessment, over one in four youth admitted to detention were admitted for technical violations of conditional release and technical violations of probation (28.4%)
 - Many youth reported not having a clear understanding of the biggest priorities for their time on probation or community reintegration
 - Many youth reported feeling that they were waiting for a “gotcha” moment regarding noncompliance with terms and conditions
 - Many reported that terms and conditions were not tailored to individual youth’s strengths and needs, nor were they focused on skill-building and positive youth development goals and skill-building

Probation-Terms *11-1-104*

The Court has placed you on probation and committed you to the supervision of the Department of Corrections for the term specified above and on the conditions specified below:

THE CONDITIONS OF YOUR PROBATION ARE AS FOLLOWS: YOU SHALL

1. refrain from all criminal conduct and violation of federal, state and local laws.
2. report to the juvenile community corrections officer (JCCO) immediately and report thereafter as the officer may direct.
3. answer all reasonable inquiries by the juvenile community corrections officer and permit the juvenile community corrections officer to visit you at reasonable times at your home or elsewhere.
4. secure approval of the juvenile community corrections officer before changing address, employment or education program.
5. remain within the jurisdiction of this State unless written permission is given by the juvenile community corrections officer for you to leave the state temporarily.
6. devote yourself to an approved employment/education program and maintain regular and orderly school attendance.
7. refrain from possession or use of intoxicating liquor, any unlawful drugs or tobacco products.
8. identify yourself as a probationer to any law enforcement officer when arrested, detained or questioned and notify your juvenile community corrections officer of the contact within 24 hours.
9. waive extradition to the State of Maine from any State of the United States, the District of Columbia, or any other place, to answer any charge of violating the terms of probation.
10. not own, possess or use any firearms or dangerous weapons if you have been adjudicated of the juvenile crime of murder, or a Class A, B or C juvenile crime, or any other matter involving the use of a firearm.
11. provide a DNA sample if directed and your offense is set forth in 25 M.R.S. § 1574(6).

OTHER CONDITIONS: YOU SHALL ALSO

12. pay to the Department of Corrections an (e ~~lesson~~) monitoring fee (substance testing fee) of \$ _____
13. submit to (random) search and testing for (con ~~methadone~~ tobacco) (firearms) (dangerous weapons) upon reasonable suspicion of use or possession.
14. not own, possess or use firearms or dangerous weapons.
15. undergo substance abuse (psychological domestic violence) counseling as directed by the juvenile community corrections officer; consent to the release of any counseling / treatment information to your JCCO, the district attorney and the court.
16. undergo available medical or psychiatric treatment (as an out-patient) (enter and remain as a voluntary patient), in _____
17. pay restitution in the (maximum) amount of \$ _____ to _____ within _____ months for the benefit of _____ as follows: _____
18. pay \$ _____ as (fines) (surcharges) (assessments) and (counsel fees in full) (counsel fees of \$ _____) within _____ months on a schedule to be determined and set by the JCCO.
19. not operate or attempt to operate any motor vehicle (including ATV, motorboat or aircraft) (unless properly licensed by the Secretary of State).
20. have no contact of any kind with _____ and the family of said person(s).
21. not associate with any other person on probation or parole without written permission of the JCCO.
22. perform _____ hours of public service work within _____ months as directed by the JCCO.
23. reside _____ with parent(s).
24. reside with *Parent approved by JCO* or in any other setting as directed by the JCCO. Reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or no reasonable efforts are necessary because of the existence of an aggravating factor and continuation in the juvenile's home would be contrary to the welfare of the juvenile. Reasonable efforts findings, dated _____, are attached and incorporated in this order. This will be reviewed on _____ no longer than 12 months.
25. abide by curfew: Every day Sunday through Thursday from _____ p.m. until _____ a.m. Fridays and Saturdays from _____ p.m. until _____ a.m. Unless accompanied by a parent or other legally-appointed supervisor; attending a school function or in transit to or from a school function; at employment or in transit to or from employment.
26. Other: *Comply with all recommended treatment*

Your freedom from future arrest and punishment for the offense(s) depends upon strict observance of the conditions of probation and any additional conditions further imposed by this court during the term of your probation.

ORDERED: These conditions are made part of the judgment.

Date: *8/29/19*

I ACKNOWLEDGE RECEIPT OF THESE CONDITIONS AND ACCEPT THEM AS

Preliminary Findings: Probation and Community Reintegration

- **Lengthy terms of supervision, including for offenses that would not otherwise be eligible for probation in other jurisdictions**
 - Many youth's probation terms are a year or longer, which many individuals said guaranteed youth were going to violate one or more terms of supervision
 - Some youth described this amount of time as a "set-up," particularly given that they might be struggling with multiple issues
 - The length of time also led many youth to not see the point in participating in rehabilitative or treatment services, knowing that they would not be able to comply with all expectations
 - There was a feeling that probation has become a "one size fits all" disposition for youth who are not diverted because officials are not aware of, or willing to explore, alternative dispositions that would not rely at all or as much on a lengthy period of monitoring (e.g., restorative responses)
 - The length of time on supervision contributes to the sizeable percentage of admissions to detention for technical violations

Preliminary Findings: Probation and Community Reintegration

- **Use of supervision practices that are still grounded in compliance with terms and conditions vs. skill-building with youth and family members**
 - Inconsistencies in when and to what extent youth and family members have genuine input into goals and expectations
 - Inconsistencies in when and to what extent earned opportunities and incentives are used to motivate youth and family members to achieve positive goals (vs. sanctions for engaging in prohibited behavior)
 - Caseload sizes that, for some, do not allow for relationship and skill-building with youth
 - Lack of training on adolescent development and need to rebrand job description and expectations about the role of JCCOs during probation and community reintegration
 - Lack of “credit” for JCCO efforts to go above and beyond with clients to secure housing, jobs, etc.

Preliminary Recommendations: Probation and Community Reintegration

- **Adopt presumptive limits on lengths of supervision**
 - Example: South Dakota's SB 73 (presumptive 4-month probation terms; 8-months for intensive supervised probation)
- **End the use standard terms and conditions, focusing on individualized treatment goals**
 - Example: National Council of Juvenile and Family Court Judges' Resolution Regarding Adolescent Probation and Adolescent Development
- **Reconsider use of probation as a standard disposition for offenses that may be disposed of through other existing programs (e.g., restorative practices)**

Preliminary Recommendations: Probation and Community Reintegration

- **Limit the use of detention and commitment for technical violations of conditional release, probation, and community supervision**
 - Example: District of Columbia Comprehensive Youth Justice Amendment Act of 2016 § 16–2310
 - Example: South Dakota's SB 73
- **Adopt an official incentives-driven community supervision model and track use and outcomes**
 - Example: Pierce County, Washington's Opportunity-Based Probation
 - Example: CCLP Graduated Responses Toolkit

Preliminary Recommendations: Probation and Community Reintegration

- **Explicitly define roles of the JCCOs to focus on skill development and connecting youth to positive adults and opportunities in the community**
 - Reduction in caseload sizes (possible by limiting caseload sizes through reduced use of probation as disposition and reductions in lengths of probation terms)
 - Capture and incentivize JCCOs' efforts to engage in skill development and facilitation of community connections
 - Focus on connecting youth with credible messengers and mentors in youth's own communities
 - Explore new and intentional partnerships with Department of Labor and its current capacity to help young people to support workforce readiness and career exploration

Commitment and Placement

Placement: Preliminary Findings

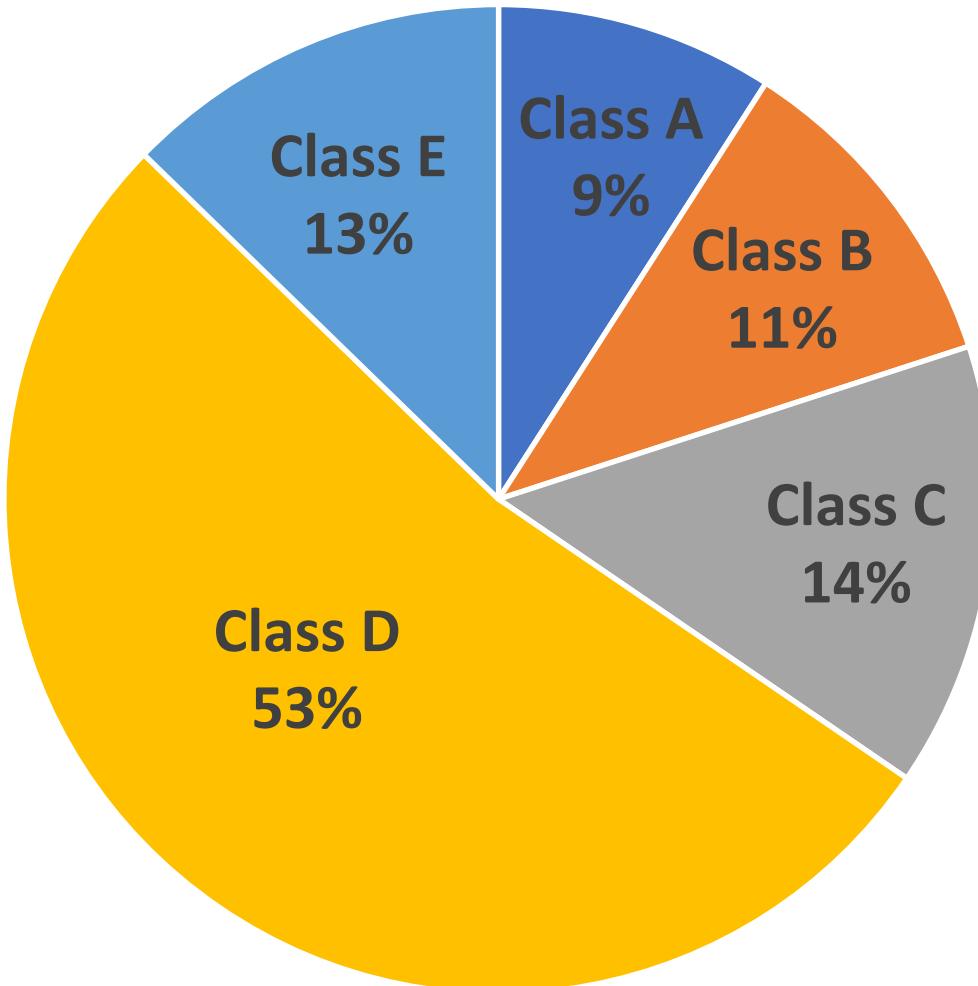
- Of the committed youth population analyzed for the assessment, **one in four youth admitted to Long Creek came directly from a previous residential program and stayed significantly longer (median = 595 days)** than youth previously living with a family member or friend (median = 399 days)
- 70% of youth admitted to Long Creek in the committed youth sample scored **as low or moderate risk** (low = 22.9%; moderate = 47.9%)
- Many youth at Long Creek have long lengths of stay, with **youth assessed as low or moderate risk staying longer than youth assessed as high risk**
- Maine law allows for the use of “**shock sentences**,” which many reported being used as a “scared straight” strategy, as a “stabilization” period, or both

Committed Youth: YLS Score and Length of Stay for Released Youth

- Many youth with low and moderate YLS scores spent a longer time at Long Creek than youth with high YLS scores

YLS Risk/Need Level	n = 26	Median LOS (in days)	LOS Range (in days)
Low	8	580	249 - 882
Moderate	14	535	153 - 985
High	4	321	239 - 707

Committed Youth: Class of Most Serious Adjudicated Offense ($n = 55$)

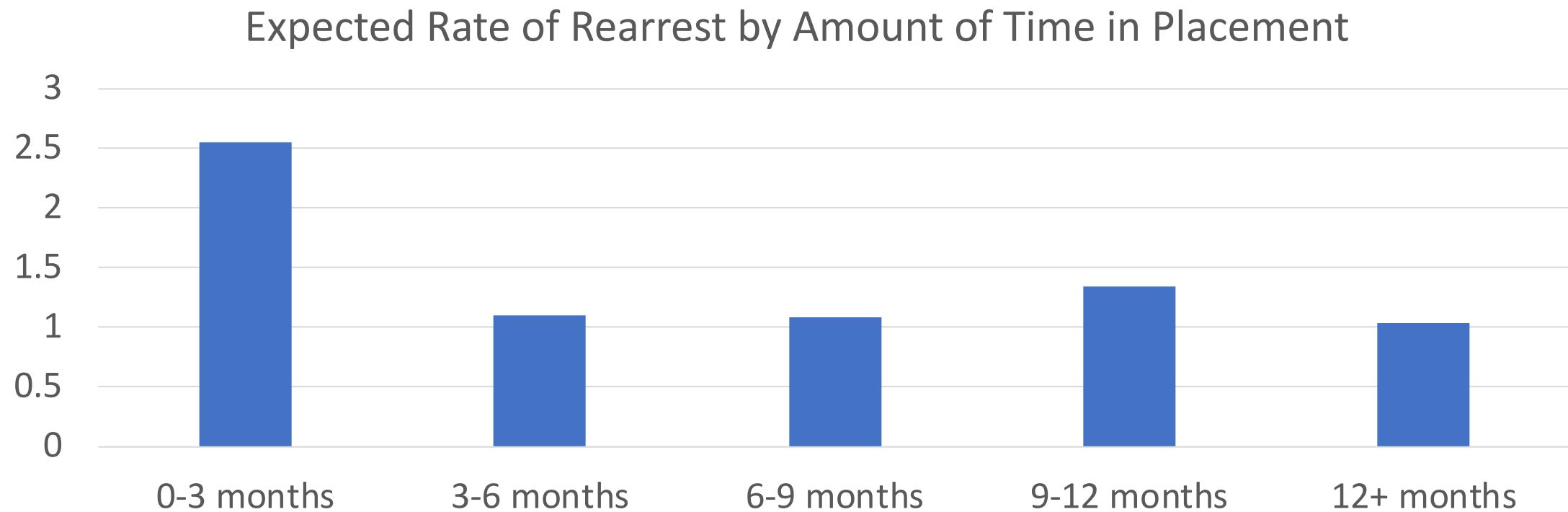


Preliminary Findings: Placement



- Joint report of the National Center for Victims of Crime (NCVC) and the Justice Policy Institute
- **“Research shows that length of stay has a negligible impact on rearrest rates after 3 to 6 months. Providing the wrong dosage of supervision can impact a youth’s future involvement in violence.”**
- “Restorative justice practices allow youth to remain in the community and have better recidivism outcomes than the use of confinement, hold youth accountable for their actions, and achieve more victim satisfaction than other justice system processes.”

Preliminary Findings: Research on Length of Stay in Placement



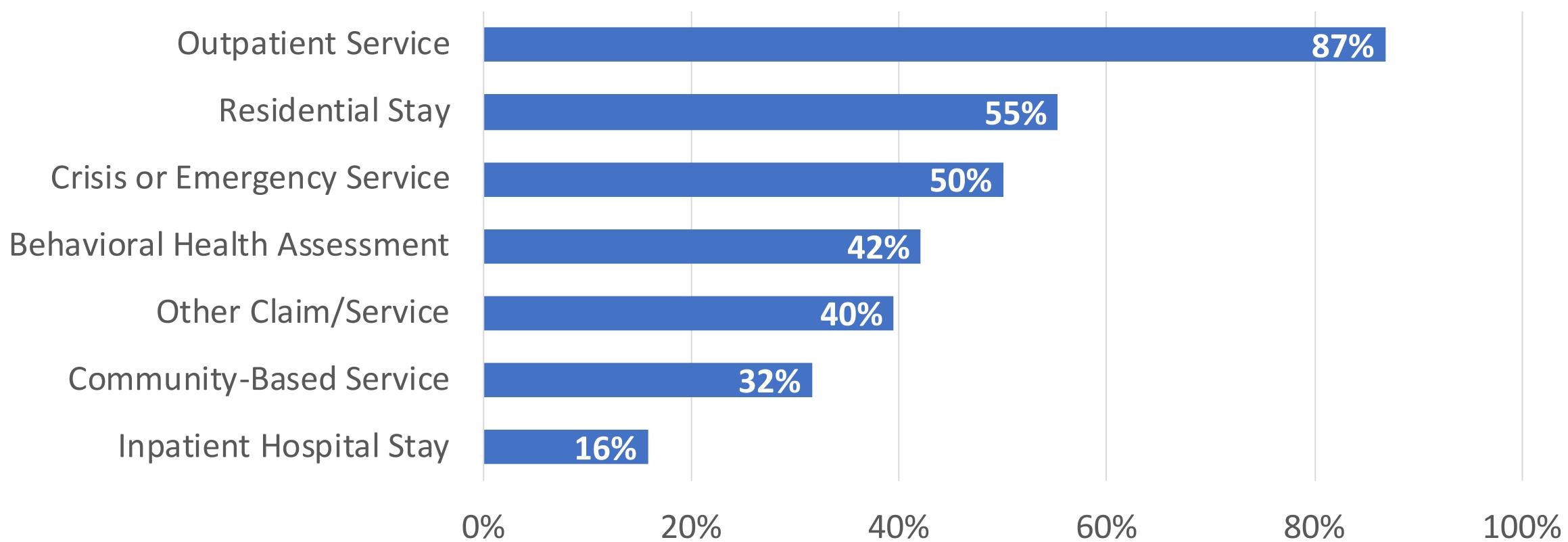
Loughran, T.A., et al. Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders. *47(3) Criminology* 699-740. (2009).

Placement: Preliminary Findings

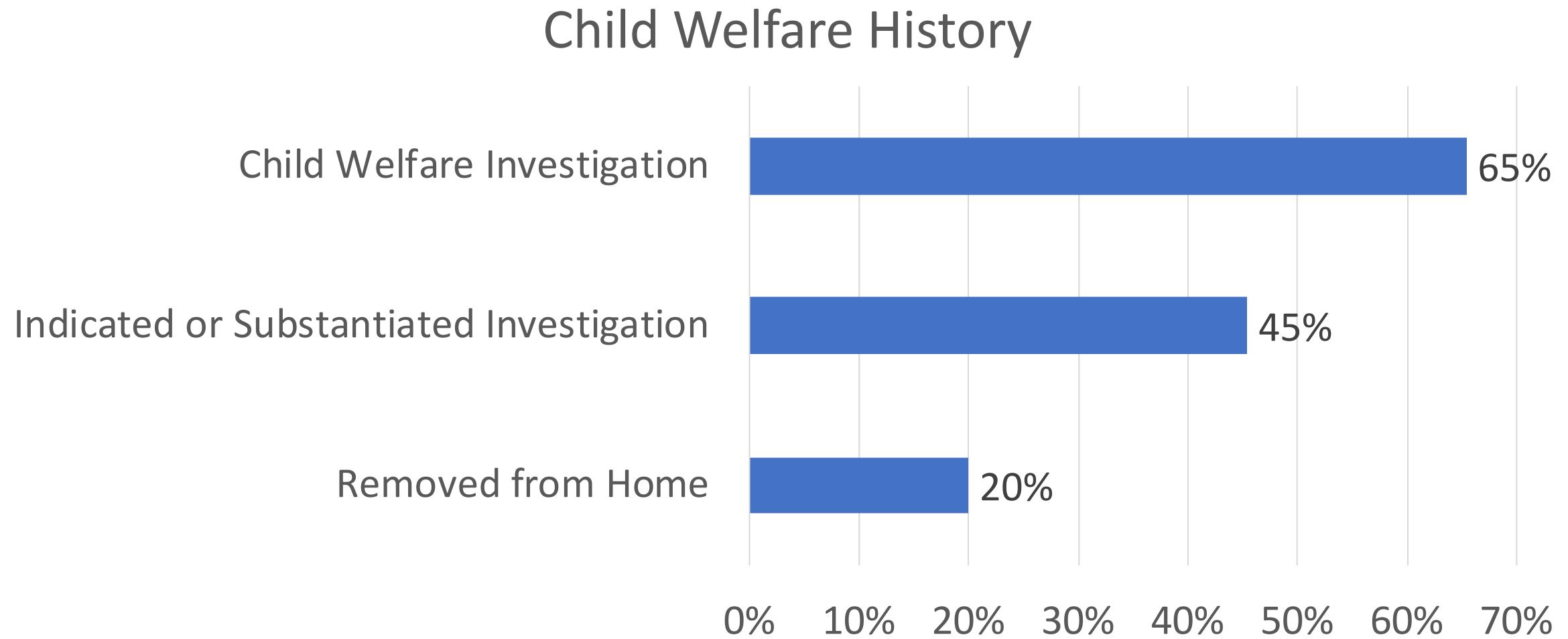
- There was consensus among most stakeholders in Maine that:
 - There are some youth at Long Creek who are **charged with and adjudicated for serious and violent offenses**
 - There are many youth at Long Creek because of **unaddressed or under-addressed behavioral health problems** that either led to juvenile justice system involvement or have resulted in deeper or more extensive involvement
 - There are many youth at Long Creek because of **a belief that there are no other places for those youth to go** (e.g., homeless youth, youth with problems with family members, youth determined to be incompetent, youth held per ICJ)
 - There are many youth who are **awaiting another type of placement or a community-based service** (73% of detention stays over 30 days in the detained sample were for youth awaiting a placement or community-based programming)
 - There is **significant variability by judge and by region** when looking at what leads to detention and commitment at Long Creek

Year Prior to Commitment: Behavioral Health Services

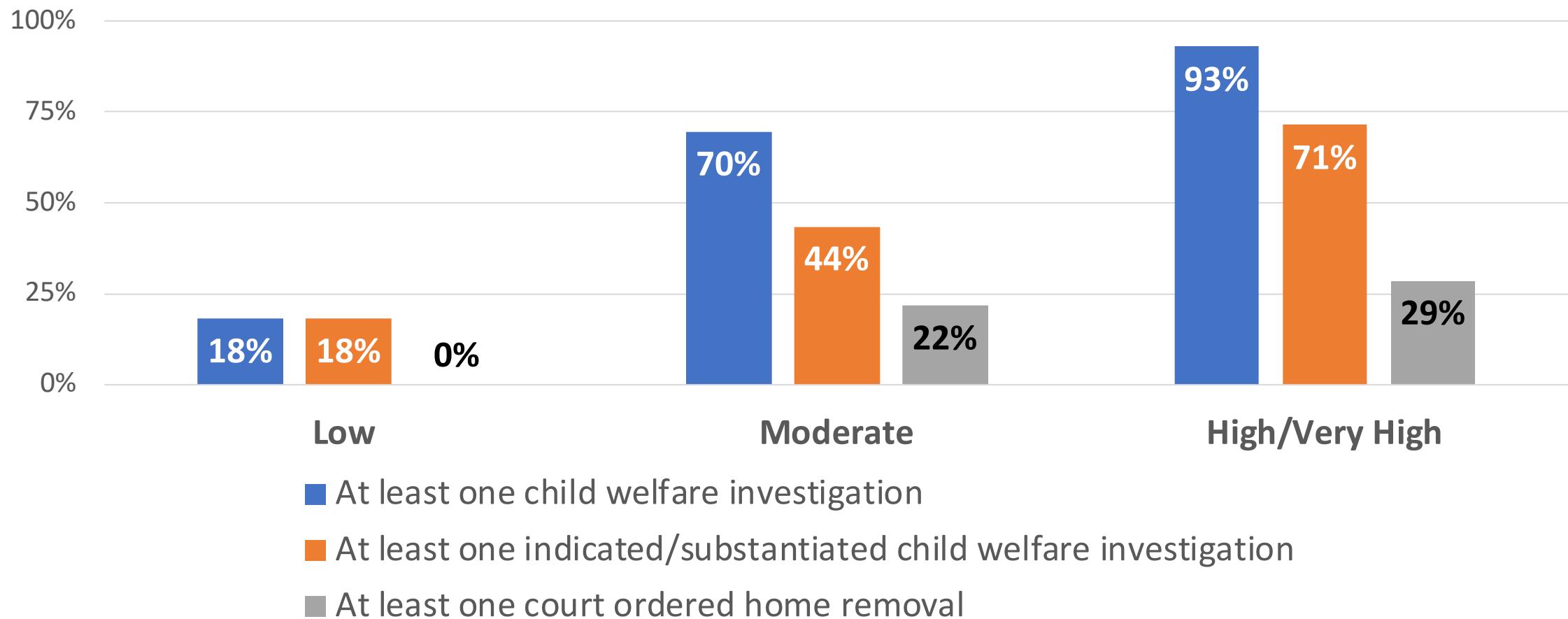
- 69% of youth received some form of behavioral health service through MaineCare in the year immediately preceding commitment to Long Creek



Lifetime Child Welfare History



Child Welfare History and YLS Risk/Needs Score



Placement: Preliminary Findings

- There was widespread agreement among stakeholders that, while some capacity for secure confinement is needed for detention and placement, the state does not need anything close to the number of beds it currently has available.
- DOC has made recent efforts to step down some youth to smaller settings where youth can pursue opportunities in the community (e.g., Bearings House, RISE).
- DOC has made improvements to Long Creek following the 2017 conditions of confinement assessment, although many questioned the financial investment made in the facility, particularly given sharp declines in the number of youth held there.

Preliminary Findings: Placement

- There was also widespread consensus that youth must ultimately have the skills to be successful within the communities to which they will return – skills that are difficult to build in a large secure facility that is far from many youth's homes and families.
 - Family
 - Education
 - Workforce development
 - Community connections and mentorship

Family Visits Per Month at Long Creek by Region

County	Mean	Median
Cumberland	3.88	1.96
Androscoggin	6.62	0.66
York	3.11	0.70
Kennebec	1.26	0.15
Penobscot	4.70	0.00
Other Region II Counties	0.00	0.00
Other Region III Counties	0.87	0.67

Racial and Ethnic Breakdown: Committed Sample

		White	Black/African American	Multiracial
Maine (n = 55)	n	45	9	1
	% of all sample youth	81.8%	16.4%	1.8%
	State Census data	94.6%	1.6%	3.7%
Cumberland (n = 15)	n	12	3	0
	% of county youth in sample	80.0%	20.0%	0.0%
	County Census data	92.2%	3.1%	2.0%
York (n = 8)	n	7	1	0
	% of county youth in sample	87.5%	12.5%	0.0%
	County Census data	95.5%	1.0%	1.7%
Androscoggin (n = 9)	n	6	3	0
	% of county youth in sample	66.7%	33.3%	0.0%
	County Census data	91.9%	4.4%	2.4%

*Youth population data comes from State and County Census data.

Preliminary Recommendations: Placement

- **Create a presumption of community-based responses for most youth, limiting the use of commitment and out-of-home placement**
 - Example: South Dakota's SB 73 (limited availability of commitment to DOC; established community response teams to help identify appropriate alternatives for youth assessed to be higher risk)
 - Expand the use of restorative practices as an alternative to commitment (with consent of the victim) for assault and theft, two most common offenses leading to commitment (representing 51% of the committed sample)
 - Expansion and use of YAP as diversion from placement
- **Eliminate mandatory length of stay requirements and create length of stay guidelines for youth in placement that are aligned with research, best practices, and considerations of victims**
 - Example: Kentucky's Senate Bill 200 (limiting out-of-home placement times for misdemeanor offenses and low-level felony offenses not involving a deadly weapon)
 - Utah House Bill 239 (2017)(sets standard timelines of 3-6 months for out-of-home placements)

Preliminary Recommendations: Placement

- **Ensure that providers are incentivized to follow length of stay guidelines and retain youth who are referred to them (except in exigent circumstances)**
 - Example: Utah House Bill 239 (requirement for performance-based contracting)
 - Example: South Dakota Senate Bill 73 (increased payments to providers for meeting treatment goals within established windows consistent with research on length of stay)
 - Example: “No Reject, No Eject” except in exigent circumstances
- **Create a process for judicial review of commitments and out-of-home placements, consistent with the Governor’s clemency authority**
 - South Dakota §§ 26-7A-123, 26-7A-124
 - Example: National Juvenile Defender Center’s National Juvenile Defense Standards (Post-Disposition)
 - Example: Post-disposition representation partnerships in New Jersey, Massachusetts, and Illinois

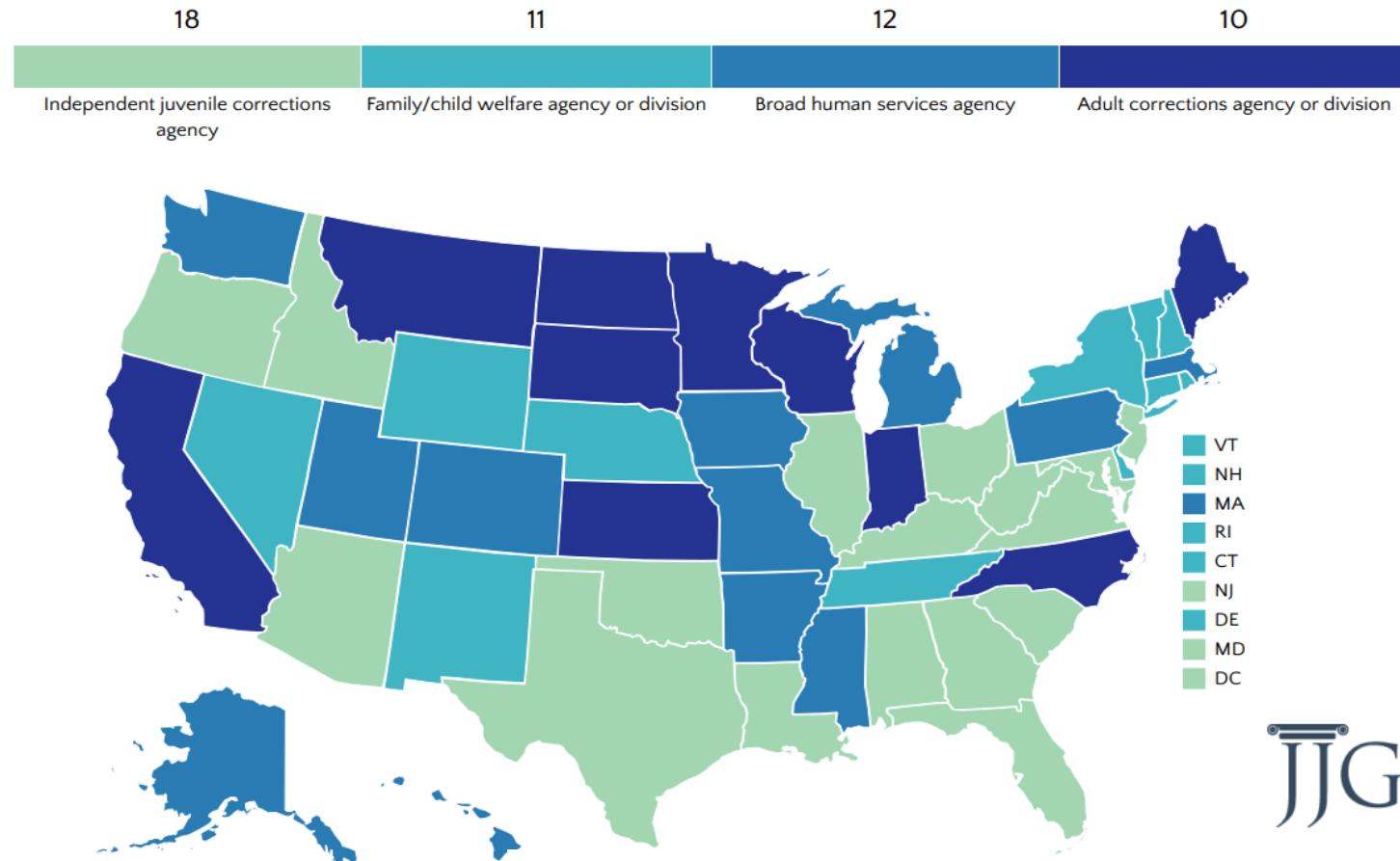
Preliminary Recommendations: Placement

- **Develop placements that could better address the needs of the small number of youth requiring an out-of-home placement**
 - Secure psychiatric residential treatment capacity for youth with significant mental illness and youth requiring forensic evaluation (recommended by PCG review)
 - Shorter-term non-secure respite beds in two or three highest referring communities for youth in crisis and youth who need a short stabilization period
 - Small non-secure community-based placements from high-referring areas designed to help youth build connections with communities and work on real-world skills (similar to Bearings House and RISE)
 - Smaller secure detention and placement capacity (25-40% of current population), based on a rehabilitative model such as the Missouri Model programs, New York City's Close to Home Placements, or Massachusetts' residential programs
- **This can and should be done while Maine invests in creating community-based continuums of care and implements other recommendations**

Preliminary Recommendations: Placement

- **Designate or create an entity that is charged with training judges, prosecutors, defense attorneys, and other juvenile justice personnel on adolescent development, research on effective interventions with youth, and the harms associated with out-of-home placement**
 - Example: Utah House Bill 239 (tasking state Commission on Criminal and Juvenile Justice to facilitate training)
- **Leverage partnership with the Department of Labor to assist with workforce development for youth in placement**
 - Untapped partnerships could leverage existing resources to address a key unmet need
 - Example: Career Exploration, Progressive Employment within the Division of Vocational Rehabilitation

Responsibility for Juvenile Justice Services



Note: Data last updated in 2015. In 2019, CA moved responsibility out of DOC to its public health agency. Last month, KS announced it would be consolidating child-serving functions within a new agency.

JJGPS JUVENILE JUSTICE
GEOGRAPHY, POLICY, PRACTICE & STATISTICS

Source: <http://www.jgps.org/juvenile-justice-services#corrections-agency>

Preliminary Recommendations: Placement

- **Reassign responsibility for youth justice to a new agency or different child-serving agency**
 - Identify potential efficiencies and opportunities for improved youth and public safety outcomes based on different models (e.g., standalone cabinet-level agency, placement within DHHS)

Preliminary Recommendations: Placement

- **Do not co-locate youth and women in DOC custody at Long Creek**
 - Significant logistical challenges would be all but certain to limit youth's access to programming, recreation, etc.
 - Significant financial investments would go toward making modifications that may not be necessary in view of the array of placements aligned with other recommendations
 - Maine would be outside the mainstream if it mixed its juvenile justice population and adult prison population in the same building, which does not happen in other states

Transfer to Adult Court

Preliminary Findings: Transfer to Adult Court

- **Maine appears to have an admirably low rate of bind-overs to adult court.**
 - Relatively low numbers of youth with violent offenses.
 - Bind-overs decreased in Cumberland County from 6 in 2014 to 2 in 2018.*
 - However, data on bind-overs is not tracked consistently by county or region.

**Data provided by Cumberland County District Attorney, 3/15/18*

Preliminary Recommendations: Transfer to Adult Court

- Continue caution and reluctance to use the bind-over process to send more youth to adult court.
- National best practices and trends support keeping adult-charged and sentenced youth in juvenile justice systems.
- The Juvenile Justice and Delinquency Prevention Act (JJDPAct) prohibits housing adult-charged youth in adult facilities such as county jails as of December 2021.

Transfer of 18-Year-Olds to Cumberland County Jail

- Several individuals reported that once youth in Long Creek reach the age of 18, their penalty for some violations of facility rules is transfer to the Cumberland County Jail.
- The Assessment Team has requested more information in response to concerns of Task Force members regarding this practice.

Financing the Juvenile Justice System

Framing

- **Juvenile justice must include a focus on prevention and focus on home and community-based services**
 - Children are best served in their families and communities
 - Community-based services can prevent deeper system involvement
 - Investments in community-based services can reduce the need for reliance on incarceration
- **System must meet the needs of youth**
 - Implementing a continuum of prevention services is essential to meeting the unique, diverse needs of every child
- **Juvenile justice must partner with other child-, youth-, and family-serving agencies**
 - Children, youth, and families interact with multiple systems
 - Aligning investments will help maximize financing opportunities

Guiding Questions

- What federal resources and opportunities can be leveraged to better support the needs of children and youth involved with Maine's juvenile justice system?
- How can state-agency partnerships be leveraged to finance a continuum of services?
- Are there other states implementing innovative financing solutions that can inform Maine's reform efforts?

Methodology

- **Who we talked to**
 - State leaders and administrators and managers responsible for building and administering DOC's budget
 - Regional Administrators
 - System-leaders and administrators for child welfare, children's behavioral health, and MaineCare
 - Community-based services providers
 - Advocates
- **Documents we reviewed**
 - DOC budget
 - Detailed sections of the budget
 - Assessments and reports on the broad system
 - Data about youth currently served by the juvenile justice system
- **Other states we looked at**
 - Rhode Island
 - Kansas
 - North Dakota
 - Washington, DC

Potential Recommendations: Financing Opportunities

- **Invest in building out a continuum of services that meets all of the diverse and unique needs of youth**
 - Invest in community-based services including evidence-based programs
 - Ensure there are respite options available in the community
 - Right-size the detention and commitment facilities
- **Ensure local flexibility and expertise**
 - Importance of flex funding
 - Invest in local communities to identify and develop solutions that work for them
- **Leverage cross-system investments**
 - Develop MOUs between agencies to support shared-investment
 - Align with Family First Prevention Services Act and Family First Transition Act investments
 - Maximize Medicaid
- **Align children and youth serving systems**
 - Review existing organizational structure to support new vision for serving children and youth

Going deeper...opportunities within DOC

- **Creating a placement continuum**
 - Respite homes are an important resource for youth
 - Reduce need for detention
- **Importance of flex funding and community investments**
 - Real-time ability to respond to meet youth needs
 - Critical community-led prevention funding

Going deeper...cross-system opportunities

- **Leverage cross-system investments**
 - Develop MOUs between agencies to support shared-investment
 - Align with Family First Prevention Service Act and Family First Transition Act investments
 - Maximize Medicaid

Next Steps

Task Force Members and Stakeholders

- **Agree upon a structure and meeting schedule going forward that will assist with implementation and oversight of reforms**
 - Process for identifying consensus points
 - Creation of workgroups/subgroups to review findings and recommendations in greater detail

Task Force Members and Stakeholders

- **Agree upon and promote funding sources and funding mechanisms that can support community-based continuums of care and resource communities to work with youth**
 - Example: California's Youth Reinvestment Grant Program (Assembly Bill 1454, 2019)
 - Example: Urban Institute, Promoting a New Direction for Youth Justice: Strategies to Fund a Community-Based Continuum of Care and Opportunity (2019)
 - Example: DC YouthLink and Community-Based Achievement Centers (anchor organizations)

Task Force Members and Stakeholders

- **Strategize about building public support for points of consensus through media and other mechanisms**
 - Adopt a consistent message about the “North Star” for the juvenile justice system and its work with youth
 - Craft messages that connect recommendations with improved youth and public safety outcomes, as well as cost savings
- **Identify examples from other jurisdictions to cite in areas of consensus**
 - Acknowledge differences between Maine and other states and localities, but focus on identifying the ways reforms (or parts of them) could translate

Legislators

- **Charge the Task Force as implementation and oversight body via legislation**
 - Example: LD 1108 (modified to charge Task Force with implementation and oversight of reforms)
 - Example: Kentucky SB 200 (creating an implementation Oversight Council)
 - Example: Connecticut's Juvenile Justice Policy and Oversight Commission (JJPOC), General Assembly Public Act 14-217 §79, 2015

Legislators

- Review the referenced legislation in this presentation and from other Task Force meetings to **identify the most applicable and appropriate model language for specific findings and proposals**
- **Consider using comprehensive reform and reinvestment bills from other jurisdictions as a starting point**, since they have had documented cost savings and public safety improvements
 - Example: South Dakota Senate Bill 73, An Act to Improve Public Safety Regarding Juvenile Justice (2015)
 - Example: Kansas Senate Bill 367, An Act Concerning Children and Minors Relating to Juvenile Justice (2016)
 - Example: Kentucky Senate Bill 200, An Act Relating to the Juvenile Justice System (2014)

Legislators

- Review examples of legislation and enabling language that reassigned responsibility for youth justice to a new agency or different child-serving agency
 - Example: New Jersey Juvenile Justice Commission (N.J.S.A. 52:17B-169 et seq., 1995)
 - Example: Illinois Department of Juvenile Justice (Senate Bill 92, 2005)
 - Example: California Department of Youth and Community Restoration (state public safety budget, 2019-2020)
- Review the language in bills carried over from last legislative session to identify any potential overlap or conflicts that will need to be reconciled

State Officials

- **Develop a plan to present these System Assessment findings and recommendations to the Children's Cabinet**
 - Identify areas of overlap with existing Children's Cabinet priorities
 - Leverage coordination with other child-serving agencies to address cross-cutting and overarching issues raised in the System Assessment
 - Create a mechanism within the Children's Cabinet or some other forum to collaborate and plan for implementation of recommendations
- **Create a work plan to respond to recommendations made in the System Assessment**
 - Prioritize by short, medium, and long-term action steps and goals
 - Anticipate how agencies would respond to potential legislation on specific issues (e.g., length of stay)

State Officials

- Plan for messaging to agency staff regarding the System Assessment's findings and recommendations
- Review examples of legislation and enabling language that reassigned responsibility for youth justice to a new agency or different child-serving agency
 - Identify potential efficiencies and opportunities for improved youth and public safety outcomes based on different models (e.g., standalone cabinet-level agency, placement within DHHS)
 - Identify areas of need or concern associated with such a transition
 - Identify points of consensus about the timing and sequencing of such a transition