



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

RANDALL A. LIBERTY  
COMMISSIONER

**TESTIMONY OF**

**RANDALL A. LIBERTY, COMMISSIONER  
DEPARTMENT OF CORRECTIONS**

**Opposed**

**LD 756 An Act Regarding Criminal Services for Juveniles**

**Before the**

**Criminal Justice Public Safety Committee**

**March 4, 2022**

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety Committee, I am Randall Liberty, Commissioner of the Maine Department of Corrections providing testimony opposed to LD 756.

This bill was printed in March 2021, exactly one year ago, as a concept draft. It has sat dormant as a concept draft for exactly 12 months. There has been no communication by the sponsor to the DOC about this bill during these twelve months.

It wasn't until yesterday morning, just before 10am, while all of us were logging in for the Supplemental Budget hearing did the State agencies receive the proposed language. Which we received from the legislative analyst, not the sponsor. The sponsor was kind enough to send it to my staff at 5:52am today, just in time for a 10am public hearing.

We understand that in the final stretch of the legislative session reasonable time concessions have to be made, but asking the Department of Corrections, the Department of Health and Human Services, the Department of Education, the Department of Labor, the Governor's Office of Policy Innovation and the Future, the Office of Program Evaluation and Government Accountability, and the courts to be prepared to adequately discuss a bill that is suggesting sweeping and massively significant changes with a very hefty \$12 million dollar price tag with less than 24 hours' notice is not reasonable and should be grounds enough to vote ought not to pass.

Below you will find our specific objections to the bill, in brief.

- Section 1 takes away the court's authority to order detention of a juvenile at risk for harming themselves. In other words, it takes away judicial discretion. Our problem with Section 1 isn't that it does anything to the Department of Corrections, rather our objection is that it allows the Legislature to dictate judicial practice.
- Section 2 tears at the very heart of the juvenile justice system. It takes away a judge's ability to commit a youth to Long Creek for treatment when that youth poses a risk to public safety.



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If this were to pass, a youth who has been adjudicated of serious offenses that require treatment, things like problem sexual behaviors, fire setting or extreme violence would not be ordered to Long Creek. The purpose of the Juvenile Code is to ensure that youth receive the “necessary treatment, care, guidance and discipline to assist that juvenile in becoming a responsible and productive member of society” (15 M.R.S.A. §3002 (1)(D)). True that a judge can commit a youth to DHHS custody rather than MDOC custody, but one would do so only when the Court believes that agency can best provide the necessary treatment; that the agency is willing to take the youth given the public safety risk; and the youth agrees to said treatment by DHHS. It is not uncommon for youth with the most challenging behaviors to refuse necessary treatment. Nor is it uncommon for programs to refuse to treat youth with the most disturbing behaviors. Eliminating the juvenile court judges’ authority to commit a youth to Long Creek, one who needs treatment and poses a public safety risk and refuses DHHS, erodes the very purposes of the Maine Juvenile Code.

- Section 3 is duplicative of services already provided by the Department and does not account for juvenile risk, negating the concerns for public safety that brought the youth into contact with the system to begin with. The Department has provided this committee many hours of information –and invited you to the facility to see for yourself—related to the process of juveniles’ risk and need assessments, the types of assessment staff do, the manner and time during which they are done, and so forth. To ask the Department to hire an outside organization with the same credentials as our current team to do work the Department is already quite skilled in is at best duplicative and at worst a waste of taxpayer dollars.
- Section 4 asks that the Governor’s Office of Policy Innovation and the Future to open another office whose sole responsibility will be toward contracts, contracts that multiple State agencies, including the Department of Corrections currently provide.
- Section 5 begins the unraveling of multiple state agencies and infringes upon the separation of powers.
- Section 6’s appropriation amounts are enormous and command state agencies, whose purviews are not related to youth services, certainly not crisis services, to use these large sums of money to “expand crisis response, mental health, trauma responsive services for victims of gender-based violence.” Is the Legislature’s mind really that the Department of Labor should be responsible for services for juvenile victims of gender-based violence, or responsive to juveniles during a mental health crisis?

Special interest groups have been keen to jump into the conversations about Long Creek. During the last two years some of these organizations have provided helpful insight and been collaborative partners with the larger group of us throughout our hundreds of hours of workgroup meeting.



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What we have here however, with this bill appears to be the negative side of special interest organizations. Those who walk into Maine and lobby for massive changes, which they also happen to be the only ones capable of managing. Nor are they shy to point out—during their lobbying-- that these massive changes, duplicative as they may be, will take several years, and millions of the State's dollars, but they're not worried because their interest certainly isn't self-serving recognition or financially driven, it's of course, to better serve the youth of Maine. Interestingly, like me they too believe that a methodical and measured approach to change is right, only difference is that I'm not asking for \$12 million dollars to do it, my business interests are not tied to the language of this proposal, I don't happen to be on the receiving end of the boon associated with this proposal.

The Department of Corrections remains committed to the thoughtful approaches well underway and in alignment with so many on this committee to juvenile justice system improvements.

For so many reasons, I urge you to vote ought not to pass.

Randall A. Liberty  
Commissioner  
Maine Department of Corrections