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An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the initiatives established in this legislation must be undertaken promptly upon the beginning of the next fiscal year in order to safeguard the health and welfare of Maine's justice-involved youth and to safeguard the public peace, health and safety; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C, as amended by PL 1999, c. 624, Pt. B, §5, is further amended to read:

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.

Sec. 2. Benchmarks for reducing the population of detained and committed youths. From a baseline of the average daily population of youths detained and of the average daily population of youths committed in the custody of the Department of Corrections for the period from April 1, 2020 to June 30, 2020, the Department of Corrections shall take action to ensure that the average daily population of detained youths and the average daily population of committed youths decreases by 25% by July 1, 2021. By July 1, 2022, the Department of Corrections shall take action to ensure that the average

daily population for each group decreases 25% from the average daily populations for the period from July 1, 2020 to June 30, 2021. By July 1, 2023, the Department of Corrections shall take action to ensure that the average daily population for each group decreases 25% from the average daily populations for the period from July 1, 2021 to June 30, 2022.

Sec. 3. Continuing role of the task force on juvenile justice system assessment and reinvestment convened in 2019. The Commissioner of Corrections shall work with the members of the task force established by the Juvenile Justice Advisory Group in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment, referred to in this Act as the "task force," regarding implementation of this Act and ongoing juvenile justice system improvements. The task force shall provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a strategic plan to invest in a community-based system of therapeutic services for justice-involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in section 2 of this Act. The task force shall convene an advisory panel of justice-involved youth to advise the task force in the performance of its duties.

Sec. 4. Annual reporting by the Department of Corrections through 2024. After receiving advice and input from the task force but no later than January 31, 2021, January 31, 2022, January 31, 2023 and January 31, 2024, the Department of Corrections shall provide 4 annual reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The reports must provide detailed information regarding:

1. The efforts of the Department of Corrections and the Department of Health and Human Services to offer diversion options for justice-involved youth and to reduce the rates of detention and commitment of youth across the State;
2. The successes and challenges of the Department of Corrections in achieving the benchmarks for detained and committed youth set forth in section 2 of this Act;
3. The successes and challenges of the Department of Corrections and the Department of Health and Human Services in expanding access to community-based, therapeutic services or programs funded under section 8 of this Act for the purpose of diverting justice-involved youth from detention and commitment and reducing the rates of youth detention and commitment;
4. The successes and challenges of the nonprofit community agencies that have been awarded contracts to provide community-based, nonresidential, therapeutic services and programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment as funded under section 8 of this Act;
5. The number and outcomes of youth served in the prior year by the nonprofit community-based agencies awarded contracts under sections 6 and 7 of this Act;
6. The number of staff at Long Creek Youth Development Center as of the preceding December 1st and staffing levels and challenges at the facility; and

7. The strategic plan developed by the Department of Corrections and the Department of Health and Human Services in consultation with the task force for the implementation of this Act and related juvenile justice system improvements.

Sec. 5. Reporting on possible sites and locations for secure, therapeutic residences for detained and committed youth. By January 1, 2021, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on possible sites and locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing confinement and detention in a therapeutic setting for a maximum occupancy of a total of 30 youths across all sites and locations. The identified possible sites and locations must consist of one site or location in Cumberland County and one site or location in Penobscot County. Two other sites and locations may be identified to serve identified need. The identified possible sites and locations must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each possible site and location for the provision of therapeutic services and programs, including educational services, for youths living in the residences.

Sec. 6. Funding by Department of Corrections for services or programs for diversion of youth from detention and commitment. The Department of Corrections shall provide ongoing funding to nonprofit community-based providers of therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment, using funding appropriated for that purpose. These services or programs may include behavioral health services, family support, housing, community supervision, restorative justice and transportation. An emphasis must be placed on offering these services or programs in rural parts of the State and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. All of the funding provided for this purpose must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human Services and overseen by the Department of Corrections, with nonprofit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

Sec. 7. Funding by Department of Health and Human Services for services or programs for diversion of youth from detention and commitment. The Department of Health and Human Services shall provide ongoing funding to nonprofit community-based providers of therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment, using funding provided for that purpose. These services or programs may include behavioral health services, family support, housing, community supervision, crisis stabilization and transportation. An emphasis must be placed on offering these services or programs in rural parts of the State and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. At least 70% of the funding provided for this purpose must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human

Services and overseen by the Department of Health and Human Services, with nonprofit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Juvenile Community Corrections 0892

Initiative: Provides an appropriation to the Department of Corrections to provide ongoing funding to nonprofit community-based providers for community-based, therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$2,500,000
GENERAL FUND TOTAL	\$0	\$2,500,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Mental Health Services - Children Z206

Initiative: Provides an appropriation to the Department of Health and Human Services to provide ongoing funding to providers of community-based, therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$1,000,000
GENERAL FUND TOTAL	\$0	\$1,000,000

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately.

The bill establishes benchmarks for measuring progress in reducing the average daily populations of detained youths and committed youths through July 1, 2023.

The bill requires the Commissioner of Corrections to work with the task force established by the Juvenile Justice Advisory Group in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment regarding implementation of the bill. The task force is required to provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a community-based system of therapeutic services for justice-involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in this bill.

The bill requires 4 annual reports on juvenile justice from the Department of Corrections to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters through January 31, 2024.

The bill requires that by January 1, 2021, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on possible locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing detention and confinement for a maximum occupancy of a total of 30 youths. One of the residences must be located in Cumberland County, one must be in Penobscot County and 2 other possible locations may be identified. Options must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each location for the provision of therapeutic services and programs, including educational services, for youth living in the residences.

The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to the Department of Health and Human Services to provide ongoing funding for community-based, therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment.