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January 12, 2026

Senator Anne Bebee-Center, Chair
Representative Tavis Hasenfus, Chair
Joint Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 1923: An Act to Repurpose Long Creek Youth Development Center and Build a Community System of Support

Dear Senator Bebee-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice and Public Safety Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has more than 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House. A special subset of our membership represents young people accused of crimes—including those who end up detained or sentenced to serve time at Long Creek Youth Development Center.

MACDL presents this testimony **in support of LD 1923** as it was originally presented to this Committee—we are neither **for nor against the amended version of LD 1923** before you today. The amendment that has been lately presented would only serve to further delay for many years the effort to repurpose Long Creek youth prison into a facility that would actually help young people rather than further traumatize them.

The original bill called for Long Creek to be repurposed by January 2027. The amended bill does away with that proposal and replaces it with a “working group” to explore the possibilities of repurposing Long Creek over the next five years—2031. There is no timeline set for when the actual repurposing would take place. Rather than a bill that could be used to fund and support the needs of our youth in trouble in this state, this bill has transformed into a way to kick the can of responsibility for that effort further down the road. This is a disappointing development.

The amendment also removes the authority to expend up to \$10 million “to pay for capital construction, repairs and improvements . . . [and] to repurpose it into a secure residential treatment facility to provide services for juveniles and to pay for the establishment of 2 community-based residential programs, one that supports youth leaving Long Creek Youth Development Center and one that provides an alternative to commitment at Long Creek Youth Development Center.” There is no funding that

would be guaranteed or expressly authorized by the amended version of the bill. One of the greatest impediments to progress in the realm of Long Creek has been lack of funding—the amendment perpetuates this perennial issue.

The amended bill eliminates the requirement that by next year, money that is under the control of the Department of Corrections be redirected away from Long Creek and used to fund “1. Mobile crisis services; 2. Multisystemic therapy and functional family therapy; 3. Youth shelter and transitional housing; 4. Substance use disorder interventions; 5. Wraparound case management and navigation; 6. Peer support and mentoring; and 7. Regional care teams.” Striking this section again changes the bill from a bill of action to a bill of discussion. If all money continues to be tied up with the DOC to fund its youth prison, we will never have the funds necessary to explore and support fully alternatives to youth incarceration.

We support Section 2 of the original bill—and as it remains the same in the amended proposal, we also support it here. For too long, the data around our juvenile system has remained hard to access if even publicly available at all. As the bill reads, “The data must be updated monthly and include information regarding the numbers of juveniles referred, diverted, detained, placed on probation, ordered to serve a period of confinement and committed to the department. The department shall deidentify the data and remove any potential personal identifying information of the juveniles. The data must be organized by region of the State and broken down by age, gender and race.” This is vital information that is necessary to inform, develop, and drive our approach to our juvenile system.

The amended section 5 of this bill needs to include a list of stakeholders that is truly representative of those who are impacted by this legislation—this includes juvenile advocates and defense attorneys, as well as young people who have experienced Long Creek for themselves. DOC and DHHS should not have the power of appointment—the list of relevant stakeholders should be spelled out explicitly and adopted by this Committee. DOC and DHHS are stakeholders themselves.

Youth prisons are cruel, developmentally harmful, ineffective at teaching correct behavior, and wildly cost-ineffective. Youth prisons do not rehabilitate. They traumatize. As long as Long Creek is allowed to exist as a fallback for children whom judges and prosecutors do not know how to treat, it will be used inappropriately for children who pose no real threat to public safety. There will always be beds at Long Creek for our most abused, vulnerable, forgotten children and there will be prosecutors and judges willing to fill those beds with children who do not belong in prison.

Absence of viable options, whether by failing to direct appropriate funding to these resources or by lack of will to change, should not affect this Committee’s analysis: children who present no real threat to public safety should not be incarcerated because the State and judges have thrown up their hands in frustration.

There is no dispute that the overriding goal and purpose of Maine’s Juvenile Code has been and remains rehabilitation. According to Youth First, more than three-quarters of Americans support youth rehabilitation over youth incarceration. Incarceration in any form is punishment and can thwart any attempt at rehabilitation. Incarceration harms

more than it helps.¹ Children leave Long Creek at higher risk of further criminality than when they enter. In this state, Long Creek has been misused as a warehouse for abused and traumatized children. If we truly want to rehabilitate children, we will not send them to prison except in the very rare instances where their imprisonment is absolutely necessary to ensure public safety.

“The courts can’t be sending kids with borderline cognitive abilities into corrections facilities. That’s just not an okay situation for the state of Maine,” former Department of Corrections Commissioner Joseph Fitzpatrick said in 2017. “[These children] belong in therapeutic, secure settings in the community, and I will say that over and over and over again until somebody in the state of Maine makes that happen.” Nine years later—we have not achieved what Commissioner Fitzpatrick has implored of us.

Youth prisons do more harm than good and are being overused to warehouse children who are struggling with mental health and substance abuse issues.² Prison deepens and widens the trauma from which these children suffer. The harm done to incarcerated youth’s emotional, mental, and social development, along with the youth’s separation from his family and community while confined with other offenders, results in prior incarceration as the foremost indicator for repeat offense by juvenile offenders.³

I do not want to represent former juvenile system-involved kids as adults. I don’t. And far too many of my clients were involved in the juvenile system when they were younger. Too many were imprisoned as children. Shockingly, all that came from that? More pain, more trauma—unimaginable harm.

Incarcerated male youths’ health suffers a vast deal more than non-incarcerated youth “as demonstrated by poorer health and functioning scores in perceived wellbeing, self-esteem, physical discomfort, acute, chronic, and psychological disorders, family involvement, physical activity, interpersonal problem-solving, risk behaviors, and academic performance.”⁴

“Youth prisons are an outdated approach to rehabilitation that too often includes

¹ “A key conclusion is that even among youths who commit felony-level offenses, most simply grow out of delinquency. Sending them to prison did not make a difference on this front. . . . Those who received probation supplemented by support from the community were significantly less likely to re-offend than those who were sentenced to a juvenile facility.” Nell Bernstein, *BURNING DOWN THE HOUSE: THE END OF JUVENILE PRISON* (2014) at 274-75.

² “[I]ncarceration is intrinsically traumatizing, all the more so during the developmental crucible that is adolescence. The years teenagers spend locked away in juvenile prisons are exactly those in which a young person’s sense of himself and the world might otherwise crystalize, with tremendous implications for who he will become as an adult. Isolating girls and boys during a time when their malleable brains are still very much in flux flies in the face of everything we know about human development.” Bernstein, *BURNING DOWN THE HOUSE* at 308-309.

³ Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, JUSTICE POLICY INSTITUTE (2009) at 3-5.

⁴ David E. Mace, et al., *Psychological Patterns of Depression and Suicidal Behavior of Adolescents in a Juvenile Detention Facility*, 12 J. OF JUVENILE JUSTICE & DETENTION SRVS. 18, 22 (1997).

physical and sexual abuse, neglect and isolation. These facilities tear young people away from the schools, families and faith communities where they can find the support and services they need for success. Instead of nurturing responsible citizens, youth prisons risk systemically traumatizing youth and leaving them less able to find employment, have healthy relationships, get an education and lead productive lives.”⁵

“Research proves that incarceration actually increases crime: Young people sent to youth prisons instead of community treatment programs are much more likely to commit more crimes upon release.”⁶ These dismal results are the exact opposite of rehabilitation: Maine would be wise to heed the developments and data concerning youth incarceration and force prosecutors to ask for incarceration and judges to impose incarceration in only the most severe cases that implicate public safety.

“Confinement and punitive strategies of control [against juvenile offenders] are not only inconsistent with the purpose of the juvenile system, but also have been shown to be both ineffective and inadequate in addressing youth needs, especially youth who have experienced trauma or who have developmental challenges.”⁷ Youth prisons, “particularly for youth who have been assessed to be a low risk to public safety,” produce poor results. In Maine from 2010 to 2014, low-risk youth committed to Long Creek *increased* in risk score upon completion of their commitment terms: they were at “greater risk of recidivating upon release than they were prior to commitment.”

Prison harms; it does not and cannot heal. Maine must continue in its trend of steering juveniles away from court, away from incarceration, and toward community-based programs that offer treatment, support, alternative education, and restorative justice. Maine must fund these programs—the amended version of this bill does not do that.

Unfortunately, until Long Creek is ultimately closed and children are placed in small, individualized, and community-based treatment centers, reserving incarceration in any form to those children who present a real risk to public safety, inappropriate, unusual, and disproportionate punishment by incarceration of low-level juvenile offenders will continue indefinitely. If we allow courts and prosecutors the option of Long Creek for low-level offenders, they will continue to employ this option inappropriately.

The young people of Maine deserve this Committee’s actions, not words or promises for many years from now. They deserve an investment into their futures, away from imprisonment and towards something better. They deserve that now. If this amended legislation is the best we can do, I think our vision is too limited, our courage too blunted. We have invested in Long Creek for far too long. It is well past time that we invest finally in something that helps our children rather than harm them further.

Thank you for considering our comments.

⁵ Mishi Faruquee, *Youth Prisons Don’t Work. Here’s What Does*. TIME (Oct. 26, 2016).

⁶ Liz Ryan, *The Kids Aren’t All Right: Jailed kids are the forgotten victims of America’s mass incarceration crisis*, QUARTZ (Aug. 31, 2016).

⁷ Mara Sanchez, Erica King & Jill Ward, YOUTH JUSTICE IN MAINE: IMAGINE A NEW FUTURE SUMMIT: SUMMARY AND RECOMMENDATIONS (Jan. 2018) at 7.

Sincerely,

A handwritten signature in blue ink, reading "Tina Heather Nadeau". The signature is fluid and cursive, with the first name "Tina" being the most prominent.

Tina Heather Nadeau, Esq.
MACDL Executive Director