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Testimony of Representative Grayson Lookner introducing

LD 1779, An Act to Develop a Continuum of Care for Youth Involved in the Justice System and to Develop Alternatives for Juveniles Incarcerated in Long Creek Youth Development Center

Before the Joint Standing Committee on Criminal Justice and Public Safety

Good afternoon Senator Beebe-Center, Representative Salisbury, and honorable colleagues on the Criminal Justice and Public Safety Committee. My name is Grayson Lookner, and I represent House District 113 which includes part of Portland. I'm here today to present **LD 1779, An Act to Develop a Continuum of Care for Youth Involved in the Justice System and to Develop Alternatives for Juveniles Incarcerated in Long Creek Youth Development Center.**

All of us sitting here today can remember what it was like to be a young person struggling to make sense of the world around us. Most of us made mistakes that we wished to hide from our parents or caregivers. Some of us experimented with alcohol and drugs. Some of us got in trouble at school or even with the law. Many of us had mental health struggles and perhaps engaged in self-harming behavior. Some may have even attempted suicide. As youth, all of us behave as youth do when they are growing into a world that is hard to make sense of, sometimes even for adults. Luckily for most of us, we had supportive families and communities to fall back on who could prop us back up and set us back on course. Not all youth are so lucky.

The difference in the severity between the mistakes we all made as youth, and the mistakes made by the youth currently incarcerated at the Long Creek Youth Development Center is a matter of degrees. Some youth who act out of desperation make serious mistakes that have severe, life-altering consequences for the lives of those they impact. They have caused grievous harm that in many cases cannot be undone. Lessons must be learned and consequences must be endured from these cases. However, I am a firm believer of the saying that "two wrongs don't make a right." Lessons learned and consequences endured should have lasting, positive impacts on the lives of youth, not harmful and traumatic ones. Unfortunately, the data demonstrates

unequivocally that incarceration is harmful for youth. We need to be creating individualized plans that restore and support youth, plans that also ensure that public safety remains tantamount. This is what LD 1779 seeks to accomplish.

As we have heard on several occasions in this committee, “children and teenagers are not little adults,” and treating them as such, especially in carceral settings, can have life-long negative consequences for any youth experiencing it. Youth who experience incarceration are much more likely to become involved in the justice system as adults, and are much more likely to recidivate throughout their lives. Science on brain development shows that a person’s frontal lobes, the area responsible for executive function, planning, and decision making, may not be fully developed until their mid-30s.^[1] The State of Maine should seek to support youth in their journeys to healing when they make mistakes, not set them on a lifelong course of institutionalization and recidivism. That is why I have introduced this bill.

LD 1779 lays out a plan towards a new, evidence-based and trauma-informed system of creating public safety for all, and support for the youth who end up involved in the criminal justice system. This bill does not call for the closure of the Long Creek Youth Development Center, nor does it create a date to do so. The Department of Corrections has made earnest progress in recent years, in conjunction with community partners, towards building some of the necessary community-based services that at-risk youth need to avert becoming justice-involved in the first place. That work deserves to be recognized, but much more needs to be done.

Despite the progress, youth in Long Creek have been subjected to violence and trauma repeatedly in recent years. In 2016, a transgender teen committed suicide at Long Creek. On several occasions in the late summer and early fall of 2021, youth in the facility were subjected to tear gas and held in prone-restraint consisting of adults kneeling on the backs of these youth with a knee to the upper back or neck, in some cases for upwards of 20 minutes. These incidents culminated in the Department of Justice issuing a letter^[2] to the State of Maine in June of 2022 warning that our state is out of compliance with the Americans with Disabilities Act, and that “Maine unnecessarily segregates children with mental health and/or developmental disabilities, in psychiatric hospitals, residential treatment facilities, and a state-operated juvenile detention facility.”

This bill would direct the DOC to create an individual plan for all of the 24 youth currently committed and detained at Long Creek. This plan would involve conducting clinical assessments on all the youth in a multidisciplinary manner that determines what each individual youth needs and how those needs can be met. Currently the DOC conducts “risk assessments” on all the youth inside Long Creek, but not a comprehensive needs assessment. It’s time that the state sees the youth who end up incarcerated as whole people who are more than the mistakes they have made.

Currently, the State of Maine is allocating roughly \$18 million annually to Long Creek. That amounts to over \$700,000 a year we are spending on each child in the facility. While DOC has made some significant investments into its community partners, it is clear that more remains to

be done. The youth engaging in disruptive behavior in towns all across our State with no services to help them are evidence that a new process needs to be adopted for how the DOC determines how this population of youth are served. Sections 4 and 5 of this bill outline how the DOC must work with the Children's Cabinet and experts on adolescent psychology to create a plan on how that budget could be best spent to serve our state's youth. Once a plan is formulated, this committee will make a determination about creating an entity to oversee how the funds are reallocated.

Many of the employees at Long Creek have dedicated their careers to helping the most troubled youth in Maine. LD 1779 does not leave them in the lurch. This bill would ensure those employees' efforts to be recognized, and direct the Department of Labor to create a workforce development plan for these folks who have done so much for our state in such a challenging and traumatic setting. Many of them could continue to work with youth in more therapeutic, community-based settings.

Lastly, this bill will direct the DOC to submit a plan to this committee about the repurposing of the Long Creek facility. The facility will continue to serve at-risk youth and youth experiencing homelessness. The facility will not be used for corrections purposes.

LD 1779 does not call for the closure of Long Creek, but creates a process that brings experts and the Department of Corrections together to chart a new course towards how the state facilitates rehabilitation and justice for youth who make mistakes, while preserving public safety. This bill will build on the work the department has done, and take the next step to ensure more trauma is not caused to Maine youth in carceral settings. These youth have been dealt a hard hand in life, and it is our responsibility to ensure that they have opportunities to succeed. With LD 1779, we have a path forward. It's time to make sure our state is more supportive, less punitive, and safer for all of our state's residents. Please join me in supporting this legislation.

Thank you for listening to my testimony.

Citations

[1] Johnson, S. B., Blum, R. W., & Giedd, J. N. (2009). Adolescent maturity and the brain: The promise and pitfalls of neuroscience research in adolescent health policy. *Journal of Adolescent Health, 45*(3), 216-221. doi: 10.1016/j.jadohealth.2009.05.016

[2] U.S. Department of Justice. (2022, June 22). Justice Department finds Maine in violation of ADA over institutionalization of children with disabilities. Press release.

<https://www.justice.gov/opa/pr/justice-department-finds-maine-violation-ada-over-institutionalization-children-disabilities>