

**OFFICE OF POLICY AND LEGAL ANALYSIS  
BILL ANALYSIS**

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**TO: Members, Joint Standing Committee on Criminal Justice and Public Safety**

**FROM: Jane Orbeton, Legislative Analyst**

**DATE: March 30, 2021**

**LD: 546 An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force**

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**Summary** of the bill as proposed to be amended by the sponsor, Rep Brennan:

Section 1 repeals the law that allows pre-adjudication detention of a juvenile based on the lack of a parent or other suitable person to supervise the juvenile adequately.

Section 2 establishes benchmarks for average daily populations of detained youths and committed youths through July 1, 2024.

Section 3 directs the Juvenile Justice Advisory Group (JJAG) to reestablish the juvenile justice task force and to work with JJAG, stakeholder groups and the Department of Corrections and the Department of Health and Human Services regarding a community-based system of therapeutic services for justice-involved youths that works to divert youths from detention and commitment, reduce the rates of detention and commitment and achieve the benchmarks set under section 2.

Section 4 requires annual reports on juvenile justice from DOC to the CJPS Committee through January 31, 2025, on: (1) efforts to divert youths and to reduce detention and commitment; (2) progress in achieving benchmarks; (3) progress in expanding community-based therapeutic services and programs; (4) progress of nonprofit community agencies in providing community-based, nonresidential, therapeutic services and programs; (5) number of youths and outcomes served by contracted nonprofit community-based agencies; (6) staffing levels and challenges at Long Creek Youth Development Center; and (7) the strategic plan developed by DOC, DHHS and the task force and improvements to the juvenile justice system.

Section 5 requires that, by January 1, 2022, DOC to report to the CJPS Committee on possible locations for 2 to 4 small, secure, therapeutic residences for youths for the purposes of providing detention and confinement for a maximum of 20 youths total, in Cumberland County, Penobscot County and possibly 2 other locations. Options must include renovating existing structures. The report must include information regarding staffing options and options and cost estimates for therapeutic services and programs and educational services.

Section 6 requires DOC to provide ongoing funding to nonprofit community-based providers of therapeutic services to divert youth and reduce commitment. Section 8 provides funding in FY2021-22 of \$1,000,000 for this purpose.

Section 7 requires DHHS to provide ongoing funding to nonprofit community-based providers of therapeutic services to divert youth and reduce commitment. Section 8 provides funding in FY2021-22 of \$500,000 for this purpose.

Section 8 provides funding for the purposes of section 6 and 7 and appropriated in FY 2021-22 \$500,000 for the Department of education for restorative justice efforts to divert youth and reduce commitment.

The bill appropriates \$1,500,000 to the Department of Corrections and \$500,000 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 youths from detention and commitment and reducing the rate of youth detention and commitment.

**Testimony:**

**Proponents:**

1. Rep Brennan testified as sponsor and presented amendments that are integrated into the bill description above. Rep Brennan described the work of the Juvenile Justice System Assessment and Reinvestment Task Force in 2019 and 2020 and the importance of the work of the Center for Children's Law and Policy.
2. Commissioner Liberty, DOC, spoke generally in support of the bill with amendments. DOC supports section 1. DOC proposes combining sections 2, 4 and 5 into one section on reporting on juvenile services. See proposed new language for section 2 included in testimony. DOC is reviewing the new language for section 3. DOC generally supports section 6 with a sunset date. DOC opposes the new funding in section 8.
3. Rachel Casey, Assistant Professor of Social Work at USM, submitted testimony in support.
4. Margaret Micolichek, Senior Program Manager at the Restorative Justice Project, submitted testimony in support of the funding provided in section 8 as originally written.
5. Cushman Anthony, speaking for the Maine Council of Churches, submitted testimony in support.
6. Stephanie Eglinton, speaking for the Maine Children's Alliance, submitted testimony in support.

**Opponents:**

1. Joseph Jackson, representing the Maine Prisoner Advocacy Coalition, testified against the bill. Mr. Jackson served on the task force. MPAC opposition is based on the need for a closing date for LCYDC and a plan for providing services to youth who are not justice-involved but who need therapies and services that promote healing.
2. Michael Kebede, representing the ACLU, testified and provided testimony against the bill. ACLU supports closing LCYDC, opposes new secure facilities, favors mechanisms for ensuring accountability and opposes additional funding for DOC.

3. Al Cleveland, speaking for Maine Youth Justice, opposed the bill, citing the need to close LCYDC, assign responsibility for youth to another department and increase community investment.
4. Skye Gosselin, speaking for Maine Youth Justice, opposed the bill, citing the need to close LCYDC, to end youth incarceration.
5. Tina Nadeau, speaking for the Maine Association of Criminal Defense Lawyers, also submitted testimony. MACDL supports section 1. MACDL argues against youth incarceration, against continuing involvement of DOC in smaller secure residential facilities for youth and against increased funding for DOC.

**Neither for nor against in submitted testimony:**

1. Malory Shaughnessy, representing the Alliance for Addiction and Mental Health Services, submitted testimony neither for nor against the bill. AAMHS supports sections 1 through 3, supports section 4 if reports are also submitted to the HHS Committee, supports secure therapeutic residential facilities in section 5 if they are overseen by DHHS and supports the funding provided in section 8 if it is directed to DHHS. AAMHS supports increasing Maine's investment in therapeutic care provided through community agencies.
2. Jill Ward, one of 3 co-chairs of the Juvenile Justice System Assessment and Reinvestment Task Force, submitted written testimony for informational purposes. Ms. Ward provided information on the work of the task force and the recommendations, mentioned that the bill lacks a 3-year strategic plan and mentioned the structure and function of a reestablished task force.
3. John Pelletier, representing the Criminal Law Advisory Committee, submitted written testimony. CLAC is divided on section 1. Some members are opposed based on the lack of alternative programs for youth who cannot return home. Some support the section based on deference to the task force, the plans and funding for services, and the potential detrimental effect of detention. One CLAC member opposed section 1 on the basis that a court could still order detention to protect the juvenile from an immediate threat of bodily harm.