



# HOUSE OF REPRESENTATIVES

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Testimony of Representative Michael Brennan introducing:

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

March 26, 2020

Good Afternoon Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee. I am Representative Michael Brennan, and I represent District 36, part of the City of Portland. I am here today to introduce LD 546: "An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force"

The Juvenile Justice System Assessment and Reinvestment Task Force was formed in the spring of 2019 to review the current juvenile justice system and identify recommendations for reform. Chaired by Jill Ward of the Maine Center for Juvenile Policy and Law, Commissioner of Corrections Randall Liberty, and myself, we met monthly until February of 2020 when a final report was issued.

The Task Force held our regular monthly public meetings across the state and held public forums in Portland, Lewiston, Augusta, and Bangor. Six youth focus groups, plus another with detained and committed youth at the Long Creek facility were conducted and over 100 interviews were held with key stakeholders.

The Center for Children's Law and Policy (CCLP), a Washington, DC-based non-profit, was engaged to support the Task Force and provide a comprehensive and independent assessment of the juvenile justice system. They analyzed data from the Department of Corrections and the Office of Children and Family Services on youth in custody at the Long Creek Youth Development Center, including needs, risk scores, and MaineCare behavioral diagnosis and treatment data, and they conducted a comprehensive review of current policies, procedures, and programs used in the juvenile justice system.

It was a lengthy and thorough project, and this bill is the result of those efforts.

One of the major findings was that a majority of youth would be better served by being diverted to supervised community care and restorative justice programs. By putting additional resources into community-based services, the bill seeks to significantly alter the use of youth incarceration in the state's juvenile justice system.

More specifically the bill:

- Allocates \$1 million to the Department of Corrections (DOC) to contract with community providers to offer programs that will reduce detention and commitment to Long Creek.
- Allocates \$500,000 to the Department of Health and Human Services to assist youth with a variety of behavioral health and other issues in conjunction with DOC.
- Allocates \$500,000 to the Department of Education for restorative justice programs.
- Establish benchmarks related to reductions in incarceration at Long Creek.
- Asks the Juvenile Justice Advisory Group (JJAG) to continue the work of the Juvenile Justice System Assessment and Reinvestment Task Force on implementing this legislation as well as other recommendations found in the report by CCLP.
- Requires reports back to the Joint Standing Committee on Criminal Justice and Public Safety by DOC and DHHS
- Asks the DOC to identify multiple sites across the state that would be suitable as small-scale secure treatment residential programs.
- Repeals a provision of the Maine criminal code regarding the detention of youth who need care.

This bill represents a collective effort to build a robust system of community-based services and programs as an alternative system to the incarceration of youth at Long Creek.

The report prepared by CCLP makes it abundantly clear that too many youth are currently incarcerated at Long Creek when they could be served in the community at minimal risk to themselves or to the public.

Lastly, I have attached an amendment to the bill that provides more specific language about the continuation of the Task Force and the funding associated with this bill.

I encourage you to act favorably on the bill and I would be happy to answer any questions.

**Proposed Committee Amendment to LD 546,  
An Act to Implement the Recommendations of the Maine Juvenile Justice System  
Assessment and Reinvestment Task Force  
From Representative Michael Brennan**

Amend the bill in section 3 to read:

**Sec. 3. Continuing role of the task force on juvenile justice system assessment and reinvestment convened in 2019.** The Juvenile Justice Advisory Group shall reestablish 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." The task force shall work with stakeholder groups as well as the Department of Corrections and the Department of Health and Human Services to implement the recommendations identified in the February 2020 Maine Juvenile Justice System Assessment and Reinvestment Task Force report. The task force will work with members of the Juvenile Justice Advisory Group on the development of strategic interventions ~~for investment to invest in a community-based system~~ continuum of therapeutic services for justice-involved youths that works to divert youths 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 work with the Juvenile Justice Advisory Group to engage~~ justice-involved youths to advise the ~~task force~~ Juvenile Justice Advisory Group in the performance of ~~its duties~~ this work.

Amend the bill in section 4 to read:

**Sec. 4. Annual reporting by the Department of Corrections through 2025.** Each year through January 31, 2025, the Department of Corrections shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report 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 youths and to reduce the rates of detention and commitment of youths across the State;
2. The successes and challenges of the Department of Corrections in achieving the benchmarks for detained and committed youths 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 youths 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 youths 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 youths served in the prior year by the nonprofit community-based agencies awarded contracts under sections 6 and 7 of this Act; ~~and~~

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 established pursuant to section 3 of this Act and the related improvements to the juvenile justice system.

Amend the bill in section 8 to read:

**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 youths from detention and commitment and reducing the rate of youth detention and commitment.

<b>GENERAL FUND</b>	<b>2020-21</b>	<b>2021-22</b>
All Other	\$0	\$1,500,000
		<u>\$1,000,000</u>
 GENERAL FUND TOTAL	 \$0	 <u>\$1,500,000</u>
		<u>\$1,000,000</u>

**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 youths from detention and commitment and reducing the rate of youth detention and commitment.

<b>GENERAL FUND</b>	<b>2020-21</b>	<b>2021-22</b>
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All Other	\$0	\$500,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$500,000</u>

**EDUCATION, DEPARTMENT OF**

**(To be written by the Office of Fiscal and Program Review)**

Initiative: Provides funding to support restorative justice efforts as a means to achieving the diversion of youth from the juvenile justice system and commitment to the Department of Corrections.

<b><u>GENERAL FUND</u></b>	<u>2020-2021</u>	<u>2021-2022</u>
All Other	0	\$500,000
GENERAL FUND TOTAL	<u>0</u>	<u>\$500,000</u>

**SUMMARY**

This amendment clarifies the language regarding the duties and functioning of the reconvened task force on juvenile justice system assessment and reinvestment. The amendment requires the annual report of the Department of Corrections to include the strategic plan developed by the Department of Corrections and the Department of Health and Human Services in consultation with the task force and the related improvements to the juvenile justice system. The amendment decreases new funding to the Department of Corrections for the purposes of providing ongoing funding to nonprofit community-based providers 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 in FY 2021-22 from \$1,500,000 to \$1,000,000. The amendment provides funding to the Department of Education to support restorative justice efforts as a means to achieving the diversion of youth from the juvenile justice system and commitment to the Department of Corrections in FY 2021-22 of \$500,000.