



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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Senator Susan Deschambault
Representative Charlotte Warren
Committee on Criminal Justice & Public Safety
100 State House Station, Rm. 436
Augusta, ME 04333

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

Dear Senator Deschambault, Representative Warren, and Members of the Committee on Criminal Justice & Public Safety,

MACDL of course supports proposals that divert children away from the system, away from incarceration, away from further traumatization. LD 546 is not the bill that will accomplish any of these goals, unfortunately, and because of that, MACDL cannot support passage of this bill as written.

However, there is a portion of this bill, Section 1, that does deserve full support: Maine has no business incarcerating children solely because the child lacks parental or other family support and supervision. The days of detaining a child because “we had nowhere else to put them” must end and they must end now. Prison should never be used as a holding pen for human beings. We don’t allow so for adults. We never should have done so for children. Title 15 M.R.S. § 3203-A(4)(C)(2) must be repealed.

This bill further finances and imbues the Department of Corrections with authority to determine the future of children who are system-involved in this state. This bill does not move towards ending youth incarceration or diverting children away from these harmful systems altogether. The bill would provide for further cover for inaction and obfuscation for years down the road, indefinitely. This bill is—unfortunately—window dressing.

The Department of Corrections’ annual budget this year alone was nearly \$210 million. Of that amount, more than *\$18.3 million* was allocated from the General Fund to run Long Creek Youth Development Center—to fund more than 170 staff positions for a facility with fewer than 30 youth. Even with the declining number of children incarcerated at Long Creek, its budget for FYs 2022 and 2023 do nothing to reflect that: the Governor’s proposed budget would allocate more than \$18.8 million for Long Creek in FY 2023. Until someone says “no,” that budget will continue to expand and the State of Maine will continue to employ nearly 175 people tasked with overseeing fewer and fewer children. (By way of comparison, the Cumberland County Jail houses approximately 400 people and has a staff of approximately 170. Their budget is similar to that of Long Creek, but, again, the number of incarcerated people is more than 10 times the number of incarcerated children in Long Creek. In what other area of our budget do we let such madness run wild?)

But what does this proposal do? It would not take a single dime away from the Department of Corrections—heaven forbid! Instead, it would allocate an *additional* \$1.5 million to DOC to “contract” with community-based providers, along with *\$500,000* to the Department of Health and Human Services to do the same. I am not as versant with DHHS budget ins and outs, but let’s be clear here: the DOC has more than \$1.5 million in its budget to make changes happen. It doesn’t need *more* money to do the things outlined in this bill. Make no mistake: the parameters of the RFPs will be strictly drafted

by DOC. Organizations that do not fit DOC's vision or who will not comply with DOC directives will be denied contracts, have contracts terminated, and be blacklisted. There are likely representatives tuned into this hearing today from organizations who have experienced just that kind of treatment due to DOC's need for oversight and control.

Why is the solution in this state always to give law enforcement and prisons more money? Why is it never to do the things necessary to ensure the safety and health of our children away from this fundamentally flawed, self-serving, destructive system?

The proposal seeks to create smaller locked residential facilities to incarcerate young people—away from their communities, families, and supports. When advocates like Maine Youth Justice and previously incarcerated young people are crying out for the closure of Long Creek, the cry is not for prettier, smaller, cuddlier facilities—it is to end youth incarceration in Maine. If we build those facilities, I would guarantee that they would be filled within a year to justify their continued existence and expense. Incarcerating children to justify a line item in a budget is unthinkable, yet here we are. Even though the number of children incarcerated at Long Creek has declined by 71 percent from 2010 to 2019 (136 to 39), the budget has never decreased. In fact, it has increased every single year.

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:07f87761-4802-40cc-85ed-052040e4aef0>

What is going on here?

The “DJS” proposal also asserts that it could reduce the annual budget of Long Creek to \$12 million—a reduction of 33 percent. So, for the 30 children who are incarcerated, we would be spending \$400,000 per child, rather than \$600,000 per child. This is still plainly inadequate. What more and how much better could we do for our children if we had that money for purposes other than incarceration?

Reading DOC's “action plan” provides little comfort that the sweeping changes necessary to ensure the health and safety of all of Maine's children will ever be implemented. MACDL is also more than a little concerned that the state's budget priorities allow for DOC to expand its reach and control—seemingly without limit, including the Governor's resurrection of a prison Down East—when this same budget will not even fund indigent legal services for all Mainers at the barest, most minimal level. Indigent defenders work for the liberation of the people we serve, including our youngest clients. No wonder the State of Maine does not want to fund *that* system properly.

Maine's children—all of Maine's children—deserve better than what this bill proposes. Incremental, ceremonial change is inadequate. This bill is therefore inadequate.

Thank you for your attention to this matter and for allowing me to speak with you all today. I would be happy to answer the questions of the Committee.

With appreciation,



Tina Heather Nadeau, Esq.
MACDL Executive Director

For FYs 2020 & 2021

LONG CREEK YOUTH DEVELOPMENT CENTER 0163		
PROGRAM SUMMARY		
GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	174.500	174.500
POSITIONS - FTE COUNT	0.475	0.475
Personal Services	\$15,992,868	\$16,835,531
All Other	\$1,454,549	\$1,454,549
GENERAL FUND TOTAL	\$17,447,417	\$18,290,080
FEDERAL EXPENDITURES FUND		
	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,480	\$103,401
All Other	\$114,789	\$114,789
FEDERAL EXPENDITURES FUND TOTAL	\$211,269	\$218,190
OTHER SPECIAL REVENUE FUNDS		
	2019-20	2020-21
All Other	\$38,694	\$38,694
OTHER SPECIAL REVENUE FUNDS TOTAL	\$38,694	\$38,694

JUVENILE COMMUNITY CORRECTIONS 0892		
PROGRAM SUMMARY		
GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	70.500	70.500
Personal Services	\$7,361,977	\$7,669,412
All Other	\$4,436,339	\$4,436,339
GENERAL FUND TOTAL	\$11,798,316	\$12,105,751
FEDERAL EXPENDITURES FUND		
	2019-20	2020-21
All Other	\$90,032	\$90,032
FEDERAL EXPENDITURES FUND TOTAL	\$90,032	\$90,032
OTHER SPECIAL REVENUE FUNDS		
	2019-20	2020-21
All Other	\$223,622	\$223,622
OTHER SPECIAL REVENUE FUNDS TOTAL	\$223,622	\$223,622

**MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112
PROGRAM SUMMARY**

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	11.500
Personal Services	\$0	\$924,373
All Other	\$9,000	\$15,521,725
GENERAL FUND TOTAL	\$9,000	\$16,446,098
OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$1,157,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,157,000

Proposed Governor's Budget for FYs 2022 & 2023

Corrections, Department of

LONG CREEK YOUTH DEVELOPMENT CENTER 0163

What the Budget purchases:

The Long Creek Youth Development Center, located in South Portland, houses detained and committed juvenile offenders. The facility provides reception and diagnostic services, education, mental health, medical and substance use disorder treatment services, and sex offender services.

	<u>Actual</u> 2019-20	<u>Current</u> 2020-21	<u>Budgeted</u> 2021-22	<u>Budgeted</u> 2022-23
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	174.500	174.500	174.500	174.500
Positions - FTE COUNT	0.475	0.475	0.475	0.475
Personal Services	15,572,023	16,364,080	16,956,057	17,353,671
All Other	1,454,549	1,454,549	1,454,549	1,454,549
Total	17,026,572	17,818,629	18,410,606	18,808,220
Program Summary - FEDERAL EXPENDITURES FUND				
Positions - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	96,480	103,401	100,484	104,100
All Other	114,789	114,789	114,789	114,789
Total	211,269	218,190	215,273	218,889
Program Summary - OTHER SPECIAL REVENUE FUNDS				
All Other	38,694	38,694	38,694	38,694
Total	38,694	38,694	38,694	38,694

JUVENILE COMMUNITY CORRECTIONS 0892**What the Budget purchases:**

The Juvenile Community Corrections program funds the cost of juvenile community corrections officers, support staff, office space and contracted community services related to supervision and treatment needs of juveniles under community supervision.

	<u>Actual</u> 2019-20	<u>Current</u> 2020-21	<u>Budgeted</u> 2021-22	<u>Budgeted</u> 2022-23
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT	68,500	68,500	68,500	68,500
Personal Services	7,035,367	7,287,033	7,484,169	7,569,537
All Other	4,436,339	4,436,339	4,436,339	4,436,339
Total	11,471,706	11,723,372	11,920,508	12,005,876
Program Summary - FEDERAL EXPENDITURES FUND				
All Other	90,032	90,032	90,032	90,032
Total	90,032	90,032	90,032	90,032
Program Summary - OTHER SPECIAL REVENUE FUNDS				
All Other	223,622	223,622	223,622	223,622
Total	223,622	223,622	223,622	223,622

MAINE COMMISSION ON INDIGENT LEGAL SERVICES Z112**What the Budget purchases:**

The Maine Commission on Indigent Legal Services program provides efficient, high-quality representation to Maine citizens who are entitled to counsel at state expense under the United States Constitution or under the Constitution or statutes of Maine.

	<u>Actual</u> 2019-20	<u>Current</u> 2020-21	<u>Budgeted</u> 2021-22	<u>Budgeted</u> 2022-23
Program Summary - GENERAL FUND				
Positions - LEGISLATIVE COUNT		11,500	11,500	11,500
Personal Services		897,243	954,855	977,284
All Other	9,000	15,521,725	15,521,725	15,521,725
Total	9,000	16,418,968	16,476,580	16,499,009
Program Summary - OTHER SPECIAL REVENUE FUNDS				
All Other		1,157,000	1,157,000	1,157,000
Total	0	1,157,000	1,157,000	1,157,000

Cumberland County Jail FY 19-20 Budget							
			2017-18 Budget	2018-19 Budget	2018-19 Projection	2019-20 Budget	\$ Change
EXPENSES							
PERSONNEL SERVICES							
5120	Wages & Salaries (FT)	S	\$ 8,114,582	\$ 8,317,447	\$ 7,848,539	\$ 8,525,383	\$ 207,936
5401	Overtime	S	\$ 1,186,304	\$ 1,215,962	\$ 2,270,717	\$ 1,406,361	\$ 190,399
5510	Health Insurance	S	\$ 2,124,992	\$ 2,231,241	\$ 2,198,527	\$ 2,342,803	\$ 111,562
5520	Retirement	S	\$ 689,125	\$ 723,581	\$ 850,499	\$ 832,118	\$ 108,537
5530	Social Security	S	\$ 711,518	\$ 729,306	\$ 746,612	\$ 747,538	\$ 18,233
5540	Workers Compensation	S	\$ 260,000	\$ 260,000	\$ 269,000	\$ 260,000	\$ -
5560	Deferred Comp	S	\$ 47,000	\$ 42,000	\$ 41,347	\$ 42,000	\$ -
	TOTAL PERSONNEL:	<i>Bal</i>	\$ 13,133,521	\$ 13,519,536	\$ 14,225,241	\$ 14,156,203	\$ 636,667
OPERATIONS & MAINT.							
6130	Transportation & Lodging	S	\$ 12,500	\$ 12,500	\$ 5,501	\$ 14,500	\$ 2,000
6131	Gas, Oil, & Grease	S	\$ 30,000	\$ 30,000	\$ 26,005	\$ 30,000	\$ -
6132	Vehicle Repair	F	\$ 5,500	\$ 5,500	\$ 7,045	\$ 5,500	\$ -
6231	Base Radio Repair	J	\$ 5,500	\$ 5,500	\$ 2,707	\$ 5,500	\$ -
6300	Audit Services	J	\$ 5,400	\$ 5,400	\$ -	\$ -	\$ (5,400)
6301	Professional Services	S	\$ 8,000	\$ 8,000	\$ 14,246	\$ 13,400	\$ 5,400
	Legal Service		\$ 12,000	\$ 12,000	\$ 35,601	\$ 36,000	\$ 24,000
6303	Contract Special Services	S	\$ 2,807,000	\$ 2,950,000	\$ 3,016,758	\$ 3,157,172	\$ 207,172
6304	Security Services		\$ 800	\$ 800	\$ 3,370	\$ 800	\$ -
6400	Insurance - Building & Contents	J	\$ 94,109	\$ 91,122	\$ 91,536	\$ 91,122	\$ -
6401	Insurance - Liability	J	\$ 196,910	\$ 176,936	\$ 177,813	\$ 176,936	\$ -
6402	Insurance- Vehicle	J	\$ 19,171	\$ 17,173	\$ 17,258	\$ 17,173	\$ -
6500	Office Supplies	J	\$ 26,000	\$ 26,000	\$ 21,679	\$ 26,000	\$ -
6501	Training Supplies	J	\$ 10,000	\$ 10,000	\$ 14,036	\$ 10,000	\$ -
6502	Cleaning & Disinfecting Supplies	S	\$ -	\$ -	\$ 2,667	\$ -	\$ -
6504	Maintenance Supplies	F	\$ 15,500	\$ 15,500	\$ 5,848	\$ 15,500	\$ -
6505	Printing & Engraving		\$ 2,000	\$ 2,000	\$ 2,562	\$ 2,000	\$ -
6506	Postal Expense		\$ 2,800	\$ 2,800	\$ 6,380	\$ 2,800	\$ -
6507	Advertising	J	\$ 5,000	\$ 5,000	\$ 185	\$ 5,000	\$ -
6508	Dues	J	\$ 1,550	\$ 1,550	\$ 1,208	\$ 1,550	\$ -
6509	Books, Periodicals, & Subscript.	J	\$ 300	\$ 300	\$ 83	\$ 300	\$ -
6510	Tools and Implements	F	\$ 750	\$ 750	\$ 2,324	\$ 750	\$ -
6511	Equipment Rental	J	\$ 11,000	\$ 11,000	\$ 13,610	\$ 11,000	\$ -
6512	Training, Education, & Seminars	J	\$ 220,000	\$ 220,000	\$ 46,771	\$ 60,000	\$ (160,000)
6514	Maintenance Contracts	F	\$ 43,000	\$ 43,000	\$ 46,812	\$ 43,000	\$ -
6600	Cleaning & Sanitary	F	\$ 95,000	\$ 95,000	\$ 92,992	\$ 95,000	\$ -
6601	Snow removal & Grounds	F	\$ 6,000	\$ 6,000	\$ 7,890	\$ 6,000	\$ -
6602	Lots & Grounds maintenance		\$ 2,000	\$ 2,000	\$ 6,777	\$ 4,000	\$ 2,000
6603	Building & Structure Repair	F	\$ 10,000	\$ 10,000	\$ 9,330	\$ 10,000	\$ -

			2017-18 Budget				\$ Change
6604	Heating & Cooling (HVAC) Repair	F	\$ 31,000	\$ 31,000	\$ 49,093	\$ 31,000	\$ -
6605	Electrical Repair	F	\$ 18,500	\$ 18,500	\$ 23,417	\$ 18,500	\$ -
6606	Painting Repair	F	\$ 15,000	\$ 15,000	\$ (751)	\$ 15,000	\$ -
6607	Plumbing Repair	F	\$ 7,250	\$ 7,250	\$ 13,562	\$ 7,250	\$ -
6609	Equipment Repair	F	\$ 20,000	\$ 20,000	\$ 42,502	\$ 20,000	\$ -
6800	Telephone & Communication	J	\$ 12,000	\$ 12,000	\$ 29,519	\$ 12,000	\$ -
6801	Electricity Utility	F	\$ 260,000	\$ 260,000	\$ 207,031	\$ 260,000	\$ -
6802	Gas Utility	F	\$ 240,000	\$ 210,000	\$ 197,538	\$ 210,000	\$ -
6803	Water Utility	F	\$ 19,775	\$ 19,775	\$ 21,156	\$ 19,775	\$ -
6804	Sewer Utility	F	\$ 140,000	\$ 145,000	\$ 163,252	\$ 145,000	\$ -
6805	Rubbish Removal	F	\$ 18,500	\$ 18,500	\$ 23,056	\$ 18,500	\$ -
6806	Fuel Oil	F	\$ 4,700	\$ 4,700	\$ 4,449	\$ 4,700	\$ -
6900/02	Alternative Sentencing	J	\$ 3,000	\$ 3,000	\$ 2,681	\$ 3,000	\$ -
6903	Food & Groceries	J	\$ 632,500	\$ 644,000	\$ 669,484	\$ 668,000	\$ 24,000
6904	Institutional Supplies	J	\$ 45,000	\$ 45,000	\$ 39,323	\$ 45,000	\$ -
6906	Paper Goods	J	\$ -	\$ -	\$ -	\$ -	\$ -
6907	Clothing- Prisoners	J	\$ 40,000	\$ 40,000	\$ 18,559	\$ 40,000	\$ -
6908	Clothing- Uniforms	S	\$ 60,000	\$ 60,000	\$ 50,416	\$ 65,000	\$ 5,000
6912	Booking Supplies	J	\$ 15,000	\$ 15,000	\$ 6,576	\$ 15,000	\$ -
6914	Non Food Items - Kitchen	J	\$ 40,000	\$ 40,000	\$ 15,237	\$ 45,000	\$ 5,000
	PREA/ACA		\$ 10,000	\$ 10,000	\$ 266	\$ 10,000	\$ -
	Drug Testing		\$ 12,000	\$ 12,000	\$ 6,213	\$ 12,000	\$ -
6950	DOC 20% funds Pre Trial	J	\$ 225,000	\$ 225,000	\$ 278,371	\$ 225,000	\$ -
	TOTAL O&M		\$ 5,517,014	\$ 5,621,556	\$ 5,621,556	\$ 5,730,728	\$ 109,172
	CAPITAL OUTLAY						
7305	Camera	J	\$ 9,000	\$ 9,000	\$ 9,000	\$ 9,000	\$ -
7325	Furniture & Fixtures	J	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ -
7345	Vehicles	J	\$ 60,000	\$ 34,000	\$ 34,000	\$ 46,000	\$ 12,000
7350	Office Equipment	J	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ -
7355	Computer hardware	J	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ -
7360	Safety Equipment	J	\$ 25,000	\$ 28,000	\$ 28,000	\$ 35,000	\$ 7,000
7410	Fixtures/CIP	J	\$ -	\$ -	\$ -	\$ -	\$ -
	TOTAL CAPITAL OUTLAY		\$ 147,500	\$ 124,500	\$ 124,500	\$ 143,500	\$ 19,000
	Total Expenses		\$ 18,798,035	\$ 19,265,593	\$ 19,971,297	\$ 20,030,432	\$ 764,839