

March 26, 2021

Senator Susan Deschambault  
Representative Charlotte Warren  
Joint Standing Committee on Criminal Justice and Public Safety  
100 State House Station, Room 436, Augusta, ME 04333

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

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

My name is Jill Ward. I live in South Portland and the following testimony is intended to provide background and context for LD 546. I currently manage the Center for Juvenile Policy and Law at Maine Law and am one of the three co-chairs of the Maine Juvenile Justice System Assessment and Reinvestment Task Force.<sup>1</sup> My testimony is being provided for informational purposes and does not represent the position of the Maine Law, the University of Maine System, or the Task Force.

Established in May 2019, the Task Force was formed to work with the Center for Children’s Law and Policy (CCLP) who had been retained by the state’s Juvenile Justice Advisory Group (JJAG) to conduct an assessment of the state’s juvenile justice system. Conducting an assessment was one of the recommendations put forth in the September 2017 audit of the conditions Long Creek Youth Development Center to help determine factors outside of Long Creek that may be contributing to youth being incarcerated for low-level offenses, the high rate of referrals to Long Creek from mental health placements, and the lack of community-based alternatives.<sup>2</sup> It was also a recommendation coming out of a November 2017 summit hosted by the Justice Policy Program at the University of Southern Maine and the Center with more than one hundred local youth justice practitioners and stakeholders. The summit report echoed the call for a comprehensive system review “to assess needs and service gaps” that should “cover all system policies and practices including all agencies that serve at-risk-youth (including DHHS), as well as stakeholders like law enforcement, judges, prosecutors, defense attorneys, youth and family members.”<sup>3</sup>

From July 2019 through January 2020, the CCLP team, with input and guidance from Task Force members, analyzed data, reviewed policies, procedures and programs used in the juvenile justice system; interviewed more than 100 stakeholders from across the state; conducted six focus groups with youth, including tribal youth and youth detained and committed at Long Creek; gathered community input from four town hall forums in Lewiston, Bangor, Augusta and Portland; and conducted a statewide community survey statewide that was accessible online. It was a thorough and collaborative undertaking which has resulted in more information than we have ever had about Maine’s current youth justice system coupled with a comprehensive compilation of best practices, policies and programs from across the country.

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<sup>1</sup> For more information see, [www.mainejtaskforce.org](http://www.mainejtaskforce.org).

<sup>2</sup> Long Creek Youth Development Center, Conditions Assessment Narrative Report (Center for Children’s Law & Policy, September 2017),

<sup>3</sup> Sanchez, M. King, E., & Ward, J. (2018). *Youth Justice in Maine: Imagine a New Future Summit, Summary and Recommendations*.

The last time Maine looked comprehensively at our juvenile justice system was more than a decade ago.<sup>4</sup> We know much more now than we did then about what works, what gaps exist today, and what we can learn from other jurisdictions across the country. Released at the end of February 2020, the CCLP report provides a roadmap for Maine to fundamentally transform the juvenile justice system, to ensure that our youth have access to a robust continuum of community-based care, and to ultimately "achieve the removal of all youth from Long Creek."<sup>5</sup>

LD 546 contains several provisions that are reflected in the CCLP report recommendations as follows:

- **Prohibits the use of detention for the purpose of providing care.** Best practices dictate that detention be use for only two purposes: 1) to prevent the commission of another offense and 2) to ensure the youth will appear in court after release.<sup>6</sup> The assessment found that 53% of youth in detention were there "to provide care" simply because there was no appropriate place for them to go. Detention removes youth from their natural support systems and has been demonstrated to have negative short and long term consequences, including increased depression, anxiety, and other behavioral health issues. Short-term recommendation #8 calls for limiting the use of detention to "provide care" and requiring "specific findings about why detention is needed."<sup>7</sup> This provision would push systems to identify and establish more appropriate, less harmful responses for these youth.
- **Sets annual reporting requirements for the Department of Corrections (DOC).** These provisions help to measure progress, incentivize collaboration with the Department of HHS, create a mechanism for accountability, and inform how on-going efforts and investments are working. Short-term recommendation #20 in the CCLP report also calls for creation of a public 3-year work plan that explains how the DOC will respond to and implement the recommendations. This requirement is not included in LD 546, but was in last sessions' bill.
- **Establishes on-going collaboration between the task force and the state Juvenile Justice Advisory Group (JJAG).** A central next step set out in the CCLP report, and a common feature of reform efforts in other states, is the creation of "a mechanism to assist with implementation of [these] recommendations and to ensure accountability for making progress." The report goes on to say that "the implementation of comprehensive and coordinated reforms cannot and should not fall to a single agency" and "should be able to accommodate participation of impacted communities."<sup>8</sup> Several examples of implementation and accountability mechanisms from other states are cited in the report, including Kentucky, Utah, Kansas, and Connecticut.<sup>9</sup>
- **Plan to develop options for providing secure care that move away from the youth prison model.** Research has demonstrated negative impacts from both formal juvenile justice system processing and subsequent confinement.<sup>10</sup> Youth who have had some justice system involvement

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<sup>4</sup> The Maine Juvenile Justice Task Force. (June 2010). *An Integrated Approach to Transforming Maine's Juvenile Justice System*.

<sup>5</sup> Center for Children's Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment*. Long-Term Recommendation #9, p. 136.

<sup>6</sup> *Id.* p. 81.

<sup>7</sup> *Id.* p. 133.

<sup>8</sup> *Id.* p. 13.

<sup>9</sup> *Id.* p. 131-132.

<sup>10</sup> McCarthy, P., Schiraldi, V., and Shark, M. (2016). *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections* (October 2016). National Institute of Justice, Harvard Kennedy School. Available at: <https://bit.ly/3reU6Md>

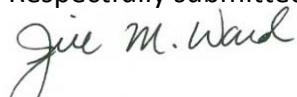
are more likely to reoffend than those who were effectively diverted from the system.<sup>11</sup> Re-offense rates are similarly higher for those youth who are confined as compared to those who are diverted or managed in the community.<sup>12</sup> Medium-term recommendation #10 calls for the state to “plan for and begin to develop options that could better address the needs of the small number of youth requiring a secure out-of-home placement because of a risk of public safety.”<sup>13</sup> Requiring the Department of Corrections to work collaboratively with other agencies, providers and community members is an important shared accountability measure to ensure the state is developing a continuum of care that is community-based, closer to home, and focused on healing and reintegration to ensure better outcomes.

- **Provides resources to support diversion efforts and expansion of the continuum of community-based services for youth.** We know more must be done to ensure all young people have access to a continuum of appropriate, effective community-based alternatives to incarceration; alternatives that have been shown to more effectively serve youth and at substantially less cost.<sup>14</sup> Medium-term goal #8 in the CCLP report calls for the state to “create a presumption of community-based responses for most youth and adopt limits on the use of commitment and out-of-home placement in law and in practice.”<sup>15</sup>

Similar legislation was approved by this Committee last session, but was not considered by the full Legislature after the pandemic shut things down. The Task Force has not formally convened since February 2020, although the co-chairs have met regularly, and Department of Corrections, the Department of HHS and others have taken some steps to address the findings and recommendations of the report. As introduced, the bill lacks a requirement that the Department of Corrections, in cooperation with DHHS, develop a 3-year strategic plan as was included in the previous bill and some concerns about the structure and function of the Task Force and related implementation work have been raised.

As the Committee considers this and other proposals around youth justice reform and the implementation of the recommendations of the CCLP report, I would be happy to answer any further questions or provide additional information.

Respectfully submitted,



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<sup>11</sup> Juvenile Justice Resource Hub, “Community-Based Alternatives: Key Issues,” retrieved at: [http://jjie.org/hub/community-based-alternatives/key-issues/#\\_edn6](http://jjie.org/hub/community-based-alternatives/key-issues/#_edn6); citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, “Formal System Processing of Juveniles: Effects on Delinquency,” Campbell Systematic Reviews (January 29, 2010), 38. Available at <https://bit.ly/30md72U>. See also National Juvenile Justice Network, “Emerging Findings and Policy Implications from the Pathways to Desistance Study,” (Washington, DC: 2012). <http://bit.ly/14jXkQI>.

<sup>12</sup> Richard A. Mendel, “No Place for Kids: The Case for Reducing Juvenile Incarceration” (Baltimore: The Annie E. Casey Foundation, 2011), 10. Available at: <http://www.aecf.org/noplaceforkids>. See also, Richard A. Mendel, “Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice,” (Washington, DC: American Youth Policy Forum, 2001), 8, available at <http://bit.ly/1DtNfjz>, citing studies of youth sent to large juvenile correctional institutions in the past 30 years have found a 50-70 percent recidivism rate within one to two years of release.

<sup>13</sup> Center for Children’s Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment*. Recommendation #10, p. 135.

<sup>14</sup> *Safely Home: Reducing youth incarceration and achieving positive outcomes for high and complex need youth through effective community-based programs*. (June 2014). Youth Advocate Programs, Inc. Available at: <https://bit.ly/3vPOhYW>.

<sup>15</sup> Center for Children’s Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment*. p. 135.