



Joint Standing Committee on Criminal Justice & Public Safety  
Public Hearing on LD 1668, *Resolve, To Develop a Plan to Close Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth* – Ought to Pass

Testimony of GLBTQ Legal Advocates & Defenders, by Mary L. Bonauto  
May 10, 2021

Senator Deschambault, Representative Warren, and the Honorable Members of the Criminal Justice and Public Safety Committee,

Good morning. My name is Mary Bonauto, an attorney at GLBTQ Legal Advocates & Defenders (GLAD), and I live in Portland. GLAD works in New England to achieve equal justice under law for LGBTQ people and people living with HIV/AIDS, through litigation, public policy and community engagement. After the death by suicide of a young person at Long Creek in 2016, I volunteered to support several young people at Long Creek.

GLAD supports this Resolve because it is a better path forward for our young people *and* public safety. It seeks to deepen the continuum of care for justice-involved young people *and* strengthen their vitality and that of their local communities.

Section 1 of the bill requires a report with current information and a thoughtful plan for closure, both for young people who are still there and for the staff, with a final end date for closure of no later than June 2023. The case for closure, as explained through the experiences of facility administrators, was helpfully summarized by the Urban Institute in March 2020<sup>1</sup> and in other resources highlighted in this testimony. For GLAD, the experiences of incarceration from justice-involved young people and their families is critical, and it is also bolstered by the apparent consensus that we can and must do better for our young people. This Committee has a once-in-many-generations opportunity for this Committee to establish the policy that our State must end the youth prison model what we have learned in Maine and beyond. Please note that I say this with great respect for those in the leadership and staff who care deeply about young people and their success.

Our own state executive agencies have confirmed the need for this Resolve for more than a decade, particularly the need for a continuum of community-based alternatives to incarceration. as required by sections 1 (4) and 3 of the Resolve.<sup>2</sup> For example, a 2010 Task Force of the JJAG, with DOC and law enforcement stakeholders, recommended, among other things:

---

<sup>1</sup> Samantha Harvell, Chloe Warnberg, Andreea Matei, and Eli Mensing, “Closing Youth Prisons, Lessons From Agency Administrators,” (March 2020), available at: [https://www.urban.org/sites/default/files/publication/101917/closing-youth-prisons-lessons-from-agency-administrators\\_1.pdf](https://www.urban.org/sites/default/files/publication/101917/closing-youth-prisons-lessons-from-agency-administrators_1.pdf)

<sup>2</sup> There have been multiple studies of the Maine Juvenile Justice System even those more recent analyses discussed in this testimony. See e.g. (1) **The Maine Juvenile Justice Task Force: An Integrated Approach to Transforming Maine’s Juvenile Justice System.** University of Southern Maine Muskie School of Public Service (2010); (2) **Disproportionate Contact: Youth of Color in**

- Effective case management systems for all alternatives to detention and community-based programs;
- Creation of a coordinated services system statewide for health, education, juvenile justice and economic security
- A state-wide system for in-home and out of home services and placements that are sufficient in number, high quality, and accessible; and
- A mechanism for flexible funding for youth served by multiple systems for both in and out of home services and placements.<sup>3</sup>

Not only is there agreement dating back to 2010 on the need for more robust community-based services as an alternative to incarceration, but as acknowledged by the Department of Corrections in a 2017 report, young people often come to Long Creek with needs it cannot adequately address.<sup>4</sup> While this may be for multiple reasons, one of them is the strained and insufficient continuum of community-based interventions and support for young people and their parents and caretakers. Two reports from 2018 highlighted the linkage between an adequate continuum of care and justice involvement. The Report from a Youth Summit in Maine noted that the continuum of care had not yet been realized and that Maine still lacked “community-based, integrated services for youth across Maine.”<sup>5</sup> Later in 2018, the Department of Health and Human Services noted in 2018, the failed continuum leads to crises that include justice involvement or situations that often correlate with later justice involvement. The Children’s Behavioral Health Report explained:

---

**Maine’s Juvenile Justice System.** Robyn Dumont, Erica King, and George Shaler, University of Southern Maine Muskie School of Public Service (2015); (3) **An Initiative to Develop a Sustainable Restorative Juvenile Justice System.** Gale Burford, Sarah Gallagher, Karen Gennette, John Gorczyk, George Shaler, Johannes Wheeldon (2016). Final Report To Maine’s Juvenile Justice Advisory Group; (5) **Unsealed Fate: The Unintended Consequences of Inadequate Safeguarding of Juvenile Records in Maine.** Susy Hawes, Erica King, Mara Sanchez and George Shaler, University of Southern Maine Muskie School of Public Service (March 2017); (6) **Assessing the Use of Law Enforcement by Youth Residential Service Providers.** Disability Rights Maine (August 2017); (7) **Recidivism: Diversion to Discharge in Maine’s Juvenile Justice System.** Robin Dumont and Erica King, University of Southern Maine Muskie School of Public Service (2017); (8) **Youth Justice in Maine: Imagine a New Future Summit, Summary & Recommendations.** Mara Sanchez, Erica King, and Jill Ward, University of Southern Maine Muskie School of Public Service and the Maine Center for Juvenile Policy and Law (January 2018).

<sup>3</sup> Univ. of Southern Maine, Muskie School of Public Services, The Maine Juvenile Justice Task Force: An Integrated Approach to Transforming Maine’s Juvenile Justice System (June 2010) Report & Recommendations at pp. 5-6 (nos. 6-9), *available at*:

<https://www.maine.gov/corrections/jjag/publications/juvenile-justice-task-force-report.pdf>

<sup>4</sup> Maine Department of Corrections, “Profile of Youth Committed at Long Creek Youth Development Center as of July 1, 2016,” (January 19, 2017), *available at*:

[http://lldc.mainelegislature.org/Open/Rpts/hv9105\\_m22m353\\_2017.pdf](http://lldc.mainelegislature.org/Open/Rpts/hv9105_m22m353_2017.pdf). (This report concluded that 84.6 % of profiled youth arrived at Long Creek with three or more mental health diagnoses; further, nearly 30% of youth had come to Long Creek directly from residential mental health treatment programs.

<sup>5</sup> See Sanchez, Mara MPPM and King, Erica MSW, "Youth Justice in Maine: Imagine a New Future Summit [Summary & Recommendations]" (2018). Maine Statistical Analysis Center. 23.

[https://digitalcommons.usm.maine.edu/maine\\_statistical\\_analysis\\_center/23](https://digitalcommons.usm.maine.edu/maine_statistical_analysis_center/23)

When a child needs behavioral health services but is unable to access them because of a waitlist, or the services are simply not available, the child’s symptoms and behaviors may escalate. This can lead to destabilizing behaviors, including regression, self-harm, and aggression, which, in turn, can escalate and cause school disruption, use of crisis services, and ultimately emergency room visits and possibly hospitalization and juvenile justice involvement.<sup>6</sup>

In addition, the reliance on law enforcement and the significant proportion of young people going to Long Creek direct from residential care highlights another part of the safety net needing strengthening. As Disability Rights Maine reported in 2017, “there were many reasons calls were placed from residential programs to law enforcement agencies. However, the majority of calls appeared to be for reasons related to the youth’s disability and need for treatment.”<sup>7</sup>

More recently, the Center for Children’s Law & Policy conducted two assessments of Long Creek. The first was with DOC and focused on conditions while the second was a task force sponsored by the Juvenile Justice Advisory Group with members from the CJPS Committee and others. The Report issued in 2020 found a general consensus that many youth in the deep end of Maine’s juvenile justice system are there “because of unaddressed or under-addressed behavioral health problems”. And data in the report indicate that a significant majority of youth were already receiving some behavioral health services in the year prior to commitment.<sup>8</sup>

The CCLP also noted the consistent consensus among most stakeholders in Maine that:

- There are some youth at Long Creek who are charged with and adjudicated for serious and violent offenses;
- There are many youth at Long Creek because of unaddressed or under-addressed behavioral health problems that either led to or juvenile justice system involvement or have resulted in deeper or more extensive involvement;
- There are many youth at Long Creek because of belief that there are no other places for youth to go (e.g. homeless youth, youth with problems with family members, youth are determined to be incompetent);
- There are many youth who are awaiting another type of placement or a community-based service (73% of detention stays over 30 days in the detained sample were for youth awaiting placement or community-based programming); and

---

<sup>6</sup> Children’s Behavioral Health Services Assessment Final Report at 25, ME DHHS (Dec. 15, 2018).

<sup>7</sup> Disability Rights Maine, ASSESSING THE USE OF LAW ENFORCEMENT BY YOUTH RESIDENTIAL SERVICE PROVIDERS (2017) at 7, *available at*: <https://drme.org/assets/uncategorized/Law-Enforcement-08.08.17.pdf>.

<sup>8</sup> *See* Center for Children’s Law and Policy et al., “Maine Juvenile Justice System Assessment”, p. 105-06, (February 2020), *available at*: <https://irpcdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>

- There is significant variability by judge and by region when looking at what leads to detention and commitment at Long Creek.<sup>9</sup>

In turning to solutions, the assessment team recommendations are in line with the Resolve proposed here. These include “creat[ing] a presumption of community based responses for most youth,” and limiting commitment and out-of-home placements; use of restorative practices especially for theft and assault, the two most common offenses leading to commitment, creating options for youth who are committed or in other placements only because they lack other options, including vulnerable populations like youth of color, LGBTQ+ youth, disabled youth, tribal youth and immigrant youth.<sup>10</sup> This crude summary is entirely insufficient to the depth and breadth of the analysis in the CCLP Report, as well as to the many pragmatic solutions advanced in other states.

In sum, on behalf of GLAD, I urge you to support this Resolve. I saw in the young people I met at Long Creek what I’ve seen 30+ years of lawyering: limitless potential and promise for young people. Many experts in many fields— in health fields, child welfare, corrections - see this as a precious time in life when, in the words of the National Academies of Sciences, young people can “redirect and remediate maladaptation in brain structures and behavior from earlier developmental periods” – even with the burdens of Adverse Childhood Experiences - – into “resilience.”<sup>11</sup> Thank you so much for your time and your service.

Mary L. Bonauto  
GLAD  
257 Deering Ave., #203  
Portland, ME 04103  
[mbonauto@glad.org](mailto:mbonauto@glad.org)

18 Tremont St., #950  
Boston, MA 02108  
(617) 426-1350

---

<sup>9</sup> CCLP, Maine Juvenile Justice System Assessment & Reinvestment Task Force, Feb. 2020, available at: <https://www.mainejjtaskforce.org/our-work> (slides updated to include budget information) at slide 139.

<sup>10</sup> These recommendations are worth reviewing in their entirety. See above at footnote 8 at pp. 111-114.

<sup>11</sup> See generally, National Academies of Sciences, Engineering, and Medicine. (2019). *The Promise of Adolescence: Realizing Opportunity for All Youth*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/25388>, at 32, available at: <https://www.nap.edu/download/25388>.