

**Testimony of Vera Institute of Justice Submitted to the
Maine Legislative Committee on Criminal Justice and Public Safety on Closing the Long
Creek Youth Development Center**

May 10th, 2021

Good morning. My name is Maryam Mohammed-Miller and I am the Advocacy Manager at the Vera Institute of Justice's Initiative to End Girls Incarceration (EGI). I would like to thank Criminal Justice and Public Safety Committee Chairs Senator Susan Deschambault and Representative Charlotte Warren and all the committee members for holding this important hearing. I would also like to thank Representative Grayson Lookner for introducing LD 1668: "Resolve, To Develop a Plan to Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth" which was developed alongside juvenile justice advocates. We're here today to testify in support of the bill and propose revisions.

The Vera Institute of Justice is a 60-year-old national nonprofit that brings data, evidence and solutions to build and improve justice systems that ensure fairness, promote safety, and strengthen communities.. EGI works to zero out the country's confinement of girls and gender expansive youth by 2030. Through partnerships in jurisdictions in several states, including Maine, we aim to create reforms and programs that will better support the well-being of young people in their communities, address the root causes of their incarceration, and permanently close the doors to girls' juvenile detention and placement facilities.

In 2018, Vera selected a team of Maine stakeholders, led by the Department of Corrections and Cumberland County District Attorney's Office, to receive no-cost technical assistance through a competitive process. In 2019, EGI began work to support Maine leaders to understand the needs of girls and lesbian, gay, bisexual and transgender (LGB/TGNC) youth admitted to Long Creek and develop strategies to better serve them in the community. Since then, the state has made considerable progress towards that goal, which includes:

- Prioritizing girls within diversion efforts, including through investing in the new Youth Advocate Program (YAP) diversion program, and planning with regional care teams.
- Cutting total annual detention admissions to girls' units by 80% (from 140 admissions in 2018 to 29 admissions in 2020) and cutting the annual number of new commitments for girls by 66% (from 9 admissions in 2018 to 3 admissions in 2020).ⁱ

Now each month an average of only three girls are admitted to detention after arrest.ⁱⁱ In 2020, only three girls were committed to residential placement after a delinquency finding; there were 9 months in 2020 with zero committed girls.ⁱⁱⁱ

This progress built on years of success in Maine that reduced youth involvement in the justice system by investing in community-based solutions and use of diversions and moving away from

reliance of the juvenile justice system. In fact, Maine diverts 85% of youth eligible for diversion under current DOC guidelines, since 2010 there has been a 56% reduction of detained youth and a 68% reduction of annual youth commitments.^{iv}

Despite this progress, there is much more work to be done to reform the juvenile justice in Maine to better support young people and communities.

The Need to End Girls' Incarceration

Incarceration is often used to protect girls' safety or "provide care," not to protect public safety, which goes against best practice—it's harmful and counterproductive. Incarceration is harmful to young people and should be avoided whenever possible. A seminal review by the Annie E. Casey Foundation of evidence on youth incarceration concluded that "backed by an array of research the case against America's youth prisons and correctional training schools can be neatly summarized in five words: dangerous, ineffective, unnecessary, wasteful and inadequate."^v Due to the evidence showing that incarcerating young people, especially in large prison facilities, is both harmful and counterproductive, best practice is to limit use of confinement to use only when necessary to protect public safety.

Although Maine has made progress in reducing unnecessary confinement for young people, the state still incarcerates many youth in order to protect their own safety or because they need support, rather than because they present a risk to public safety. Across indicators—including reason for confinement, charge, risk assessment, and length of stay— data suggests that youth are confined in the absence of a public safety risk:

- More than half of young people confined at Long Creek were detained in order to "provide care."^{vi}
- Nearly half of detained youth are held for 3 days or less, suggesting they were not a significant public safety risk.^{vii}
- Analysis of cases where youth stayed in detention longer than 30 days and a reason for this prolonged stay was provided, the majority (72.7%) were for youth awaiting placement or community-based programming.^{viii} Only 4 girls remained in detention longer than 30 days and providing care was the reason for all of them.^{ix}
- The top charges for girls at detention include low-level or "petty" theft, assault and drug and alcohol charges.^x
- The large majority (85 percent) of detained girls are categorized as low or medium risk and nearly a quarter of girls are detained despite a risk assessment not to detain.^{xi}

Evidence has shown that incarcerating children when there is no public safety risk is not only harmful to young people, but counterproductive when it comes to protecting public safety—it actually increases the risk of future delinquency. A 2017 study of recidivism rates in Maine's juvenile justice system by researchers at the University of Southern Maine found that "Low risk committed youth who were reassessed prior to release increased in risk score, placing them at greater risk of recidivating upon release than they were prior to commitment. Thus, the commitment of low risk youth appears to be counterproductive."^{xii}

Incarceration disproportionately harms Black and Native American girls in Maine. The per capita rate of confinement of Black girls is 10.8 times that of white girls (2,539 admissions per 100,000 Black girls compared to 218 admissions per 100,000 white girls); the per capita rate of confinement of Native American girls is 2.1 times that of white girls (455 admissions per 100,000 Native American girls compared to 218 admissions per 100,000 white girls).^{xiii}

Girls who are incarcerated have complex needs that the incarceration does not, and should not, address. The Vera Institute of Justice and our research partners at New York University reviewed the case files of 25 girls who had been admitted to Long Creek between 2014 and 2019.^{xiv} The data provide a snapshot of the complex and overlapping needs of girls that have been incarcerated in Maine. Examples of key findings included:

- *Girls experienced extensive trauma.* 100 percent had evidence of traumatic experiences in their case files. 92 percent had experiences that would qualify as child abuse. 60 percent had experienced multiple sexual assaults. 48 percent had evidence suggesting or confirming that they had been commercially sexually exploited or “trafficked”
- *Girls had significant mental health needs.* 84 percent had some documentation of self-harm, suicide attempts, suicidality, or hospitalization for suicide attempts prior to juvenile justice system contact.
- *Girls experienced criminalization in school and disconnection from school.* All of the girls evidenced some form of school push-out, including suspensions, expulsions, transfers, disciplinary findings, sexual harassment (including based on gender identity or expression), victimization (including sexual violence) and other challenges and barriers in school. 56 percent had an IEP or Special Education classifications in their files, including for issues related to language and speech/language impediments, conduct problems, reading comprehension, and learning disabilities. Nearly a quarter (24%) had been arrested in school at some point. The majority of girls (72%) experienced periods of prolonged absence in school, ranging in length from a few weeks to a full year.
- *Poverty and economic need:* The majority of youth (96%) had evidence of experiencing family poverty.

Girls’ mental health needs and housing instability was a key contributor to girls’ confinement. These complex needs that cause girls to fall through gaps in the current continuum of care are the reason why girls’ in Maine are incarcerated, not a public safety risk. Incarcerating girls to address complex needs fails to offer long-term solutions. In fact, girls who have ever been detained by the juvenile justice system are **5 times** more likely to die from preventable causes before reaching young adulthood.^{xv} Girls and young people who are in danger, experiencing crisis, or who are lacking access to housing, food, education, and mental health care, deserve better solutions.

Incarcerated girls have enormous potential that needs to be nourished and supported in the community. Despite the complicated contexts of their lives, our case file review found that young people have hopes, dreams and aspirations for their future, including completing high school, participating in extracurricular activities, attending top universities, starting careers ranging from business, to health and animal care, obtaining independent living, and building stronger relationships with their families. These aspirations can best be nourished in the community

The fiscal cost of continuing to confine girls is exorbitant and funds are urgently needed in the community. The state’s six-bed staff-secure facility for girls, called STEPS, costs \$2.2 million per year.^{xvi} Additionally, there are still operational units for girls at the state’s secure confinement facility, Long Creek, which has a fiscal cost of \$12 million—more than \$300,000 per incarcerated youth.

Supporting Plans to Close Long Creek

Given the data referenced above on the exorbitant cost of continuing to incarcerate girls in Maine, the overuse of incarceration, and the need for additional funding to support community-based solutions, we support LD 1668^{xvii}, "Resolve, To Develop a Plan to Close the Long Creek Youth Development Center (Long Creek) and Redirect Funding to Community Integration Services for Adjudicated Youth." The bill includes several elements that Vera supports:

- It would require the Department of Corrections to develop a plan, under the advisement of stakeholders in the juvenile justice system (judges, defense attorneys, prosecutors, youth advocates and services providers, and system impacted youth), that would close the Long Creek Youth Development Center by June 30, 2023. It’s clear that Maine does not need a facility of the capacity of Long Creek and that keeping it open is not a good use of Maine’s limited resources.
- Funds would be reallocated from the facility’s budget and reinvested into community-based support services for young people that are sorely needed. As named in the bill the reinvestment fund would support services “including but not limited to supportive housing, jobs programs, educational programs and health care, including mental health and substance use disorder treatment” which are clearly needed for girls. It also requires that these services be provided in the communities most impacted by incarceration, which is essential.
- The bill requires a workforce development plan of the Department of Corrections staff impacted by Long Creek’s closure.

Overall, the bill represents a common sense, cost effective reform that can further reduce numbers and end incarceration of girls statewide. We would make the following suggestions regarding the bill:

- The plan to close Long Creek should include a thorough assessment of potential unintended consequences, including increased use of secure confinement in the adult system, and required mitigations.
- With regards to repurposing the facility to use as “a community center with supportive housing” we would recommend that the legislature assess the feasibility and cost of transforming the building before requiring its transformation. These types of renovations can be costly and time-consuming, and it will be important to understand the trade-offs in terms of resources for community programming before committing to it. We agree that the facility is conveniently located to communities where young people have a need for programming space and supportive housing. We support using the facility in this way if

both feasible and financially reasonable. Depending on the cost, selling Long Creek might actually yield greater resources to support programming.

- It's important that the funding that DOC currently invests in DOC-run diversion programs is not reduced. Although programs outside of DOC are needed, these programs play an important role in keeping justice-involved youth out of facilities.
- The selection entity to redistribute funds should include an expert in the unique needs of girls and girls of color and expert on issues impacting immigrant youth.

Priorities for investment and reform

Alongside closing Long Creek, Maine must make the following investments and reforms to keep young people, especially girls with complex needs, out of the juvenile justice system where they do not belong. Based on our research and experience working to end girls' incarceration in Maine, we would prioritize the following investments and reforms:

Expand existing prevention and diversion programs. Existing programs in Maine provide diversion through evidence-based and evidence-informed approaches. Examples of these programs include High Fidelity Wraparound, the Youth Advocate Program, the Restorative Justice Initiative, Maine Inside Out, and Tree Street's Redwoods Program.^{xviii} Commendably, Maine DOC has funded many of these programs and others to support diversion. If DOC were able to divert more of its funding from incarceration to diversion, it could support more of what is needed, including gender-responsive programs that research shows are more effective for girls than gender neutral ones. Additionally, making funding available outside of DOC could help to prevent involvement with the juvenile justice system in the first place.

Address gaps in prevention and diversion programming for girls of color and LGB/TGNC youth.

- Provide individual and group-based culturally competent services for girls and LGB/TGNC youth of color—especially Black youth, including the African immigrant youth, and Native American youth who are most disparately impacted by the juvenile justice system in Maine. Programs should be anchored in communities where these young people live and be staffed by people who share their lived experiences.
- Programs for LGB/TGNC youth are lacking throughout the state of Maine and should be developed across public systems, including programs focused on prevention and diversion.
- Provide services for victims of gender-based violence and trafficking, including economic and housing supports.
- Services should be offered to families by providers who speak the family's primary language.

Support creative housing solutions for girls. Instead of confining girls in Long Creek and other facilities to "provide care" when youth do not have a safe place to live, Maine should provide such housing through creative options such as:

- a. *Small, low and no-barrier (walk-in, without requiring a referral) short-term housing options* for girls and gender expansive youth in crisis in Portland and Lewiston. These housing providers should have specialized expertise to help girls who are experiencing trafficking and be staffed by members of their communities or people who have shared lived experiences.
- b. *Host homes^{xix} in rural parts of the state.* Maine’s youth housing resources are concentrated in southern, urban areas of the state while northern, rural parts of the state have little-to-no programming for youth who are homeless. Host home programs are a useful model for housing youth in rural communities. They allow community members to open their homes to young people experiencing housing instability in a more informal way than an official child welfare or juvenile justice placement. Maine currently has host homes programs in Berwick and Brunswick. Maine could expand this service to other regions that need services and implement host home programs focused specifically on girls and LGB/TGNC youth, including those experiencing trafficking.

Only allow confinement to protect public safety. We urge you to revise Maine’s juvenile justice authorizing legislation to align with best practice that young people should only be incarcerated to protect public safety. Sections 3313 and 3314 of the Maine Juvenile Justice Code should be amended so that that they only allow for incarceration to protect another person from bodily harm.

Conclusion

We are in a unique moment in history where we can drastically reform the juvenile justice system and end the unnecessary incarceration of girls and gender expansive youth. We can create a more equitable, just system. We ask that you take up the proposed legislative actions this session because young people need access to vital resources and diversion programming now. Given the urgency of need, we also ask that leaders in Maine consider supporting diversion through funding available from the American Rescue Plan Act. We thank you for reviewing the information offered here and look forward to working with you on these measures.

Thank you.

ⁱBy 2020, the average monthly admissions to detention for girls was an average of 2.7 admissions every month and a total of 29 detention admissions throughout the year. In the first two months of 2021, there were a total of 7 admissions to girls’ detention units. See: Department of Corrections Juvenile Services, “Division Overview: 2020 Snapshot,” available at:

https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/OVSNAPAdvanced_20201231_0.pdf, accessed: April 19, 2021

ⁱⁱ Department of Corrections Juvenile Services, “2020 Juvenile Population Counts,” available at: https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/OVSNAPAdvanced_20201231_1.pdf, accessed: May 8, 2021

ⁱⁱⁱ Department of Corrections Juvenile Services, “2020 Juvenile Population Counts,” available at: https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/OVSNAPAdvanced_20201231_1.pdf, accessed: May 8, 2021

^{iv} Center for Children’s Law and Policy et al. (2020). *Maine Juvenile Justice System Assessment*. available at: <https://www.mainejjtaskforce.org/>

^v See Annie E. Case Foundation, “No Place for Kids,” <https://www.aecf.org/resources/no-place-for-kids-full-report/>“

^{vi} Center for Children’s Law and Policy et al. (2020). *Maine Juvenile Justice System Assessment*, 8-9, available at: <https://www.mainejjtaskforce.org/>

^{vii} Center for Children’s Law and Policy et al. (2020). *Maine Juvenile Justice System Assessment*, 8-9, available at: <https://www.mainejjtaskforce.org/>

^{viii} Center for Children’s Law and Policy et al. (2020). *Maine Juvenile Justice System Assessment*, 8-9, available at: <https://www.mainejjtaskforce.org/>

^{ix} Vera Institute of Justice and New York University analysis of datasets utilized for the Center for Children’s Law and Policy assessment cited above.

^xVera Institute of Justice and New York University analysis of administrative data provided by the Department of Corrections.

^{xi} Vera Institute of Justice and New York University analysis of datasets utilized for the Center for Children’s Law and Policy assessment cited above.

^{xii} Dumont, R. & King, E. (2017). Youth recidivism: Diversion to discharge in Maine’s juvenile justice system. Retrieved from the Maine Statistical Analysis Center, University of Southern Maine website: <http://muskie.usm.maine.edu/justiceresearch>

^{xiii} Vera Institute of Justice and New York University analysis of administrative data provided by the Department of Corrections.

^{xiv} Research Partners at New York University include Dr. Shabnam Javdani and Dr. Erin Godfrey, professors at NYU Steinhardt Department of Applied Psychology. The Vera Institute of Justice EGI team and NYU research partners conducted a case file review of the files of girls admitted to Long Creek in 2018 and 2019. Given the small number of youth admitted to girls’ units at Long Creek, analysis of qualitative data in case reviews helps to illustrate a more robust and thorough understanding of young people’s experiences than quantitative data alone will allow.

We reviewed and coded files of 25 girls who had been admitted to Long Creek between the years of 2014-2019, although most admissions were from the more recent years. The 25 girls accounted for a total of 49 admissions. The documents most commonly contained in girls’ case files included: 1) Court processing documents and dispositions; 2) JCCO reports; 3) Psychological evaluations; 4) Risk assessments; 5) Progress and disciplinary reports during time at Long Creek; 6) Relevant education and family histories, including information about child welfare involvement, service referrals, and community reintegration updates. Due to the small number of girls involved with the justice system in Maine, the files we reviewed accounted for all but 1 of the girls committed to Long Creek from 2017-2019. The average age of girls was 15.9 years old, with a range of 12-19. Findings were based solely on the contents of casefiles. Not all files contained equally comprehensive information and researchers coded files based on information that was present in each file. Therefore, it is likely that findings in various themes within this memo are under-representative. For example, the prevalence of trauma and abuse is based on information contained in girls’ files (such as documentation of criminal investigations) but Vera did not utilize external data sources (such as child welfare investigation records) to complement the case file review.

^{xv}For firearm homicide deaths of children in the juvenile justice system, see Linda A. Teplin, Jessica A. Jakubowski, Karen M. Abram, et al., “Firearm Homicide and Other Causes of Death in Delinquents: A 16-Year Prospective Study,” *Pediatrics* 134, no. 1 (2014), 63-73, <https://perma.cc/XEQ5-XXMY>. Note: this study should not be interpreted to say that detention *causes* premature death. The study is cited as evidence that detention does not provide long-term solutions to the underlying challenges girls’ face.

^{xvi} Department of Corrections, Division of Juvenile Services, "2020-2021 Action Plan," available at: <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/DJS%20Action%20Plan.pdf>

^{xvii} http://www.mainelegislature.org/legis/bills/display_ps.asp?ld=1668&PID=1456&snum=130

^{xviii} [can put more details about the modalities and the evidence base for these programs here]

^{xix} For more information on host home models, see:

https://www.211oc.org/images/Reports/housing_unaccompanied_youth_343.pdf;

https://awayhomewa.org/wp-content/uploads/2019/05/Host_Homes_for_YYA_Manual_2019.pdf;

https://static1.squarespace.com/static/553bd8dfe4b06d949518334e/t/5b9018d68a922d130c0cfa5b/1536170201241/Host_Home_Handbook_%28free+download%29.pdf;

https://homelesshub.ca/sites/default/files/5.2_GLBT_Host_Home.pdf