



May 10, 2021

Senator Susan Deschambault, Chair  
Representative Charlotte Warren, Chair  
Committee on Criminal Justice and Public Safety

Re: 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*

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

My name is Atlee Reilly and I am a Managing Attorney at Disability Rights Maine (DRM), Maine's protection and advocacy agency for individuals with disabilities. I was also a member of the Maine Juvenile Justice System Assessment and Reinvestment Task Force.<sup>1</sup> And I serve on the Maine Juvenile Justice Advisory Group. Thank you for the opportunity to appear before you today in support of 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*.

The vast majority of youth who end up at the deepest end of Maine's juvenile justice system are youth with disabilities.<sup>2</sup> DRM conducts regular monitoring visits at Long Creek. We know that

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<sup>1</sup> For more information, see: <https://www.mainejjtaskforce.org/> See also: Center for Children's Law and Policy et al. (2020). *Maine Juvenile Justice System Assessment*. ("System Assessment"), available at: <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>

<sup>2</sup> See, e.g., "Profile of Youth Committed at Long Creek Youth Development Center as of July 1, 2016," Maine Department of Corrections, 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. Additionally, "[p]rior to being committed, Long Creek youth receive hundreds of days of behavioral health services, rising in acuity over time." Unfortunately, similar data is not available for youth with disabilities involved in the juvenile community corrections system in Maine.

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the majority of youth at Long Creek have Individualized Education Plans (IEPs), and most have received behavioral health services through MaineCare. This over-representation of children with disabilities at Long Creek raises significant questions because they often become involved with the juvenile justice system when the other systems that are supposed to serve them fail to do so appropriately. This is especially troubling because evidence shows that incarcerating children is generally costly and counterproductive.<sup>3</sup> Further, juvenile correctional facilities are too often unsafe places for youth; abuse and concerning conditions have been documented nationally<sup>4</sup> and here at home.<sup>5</sup>

In February 2020, after an extensive process that gathered information from a wide variety of stakeholders, the Maine Juvenile Justice System Assessment (“System Assessment”) was released. The report made many findings and recommendations, several of which are highlighted below:

- The purpose of detention for most youth was to “provide care” and 73% of detentions longer than 30 days involved a youth awaiting placement in a different setting.<sup>6</sup> “Not only are youth in detention at Long Creek for purposes beyond the scope of nationally accepted purposes for detention, but they constitute the majority of detained youth.”<sup>7</sup>
- 70% of youth admitted to Long Creek were identified as low and moderate risk, and these youth stayed longer at Long Creek than those assessed to be high risk and “It was clear to the Assessment Team that many youth are at Long Creek for reasons other than being a risk to public safety.”<sup>8</sup>
- “The Assessment Team found that there was a general consensus among most stakeholders that there are many youth at Long Creek because of unaddressed or under-addressed behavioral health problems.”<sup>9</sup>

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<sup>3</sup> See, e.g., “Re-Examining Juvenile Incarceration: High Cost, Poor Outcomes Spark Shift to Alternatives,” PEW Charitable Trusts, 2015, available at <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexaminingjuvenile-incarceration>.

<sup>4</sup> See generally “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” Justice Policy Institute, 2006, available at [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf); “Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update,” The Annie E. Casey Foundation, 2015, available at <https://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities/>.

<sup>5</sup> Bangor Daily News, “Report urges state to overhaul Maine’s entire juvenile justice system,” December 14, 2017, available at <https://bangordailynews.com/2017/12/14/news/state/staffing-crisis-at-maines-youth-prison-created-unsafe-conditions-report-finds/> (last visited May 13, 2019).

<sup>6</sup> System Assessment, p. 50

<sup>7</sup> System Assessment, p. 84

<sup>8</sup> System Assessment, p. 103

<sup>9</sup> System Assessment, p. 105

In short, it was clear that Long Creek is an outdated model that is also being used inappropriately. Because of this, *the 2020 System Assessment set a goal of achieving the removal of all youth from Long Creek in 18 to 36 months.*<sup>10</sup> LD 1668 is fully aligned with that goal, but sets a slightly more conservative deadline. And the requirement in LD 1668 to develop a reinvestment plan is consistent with best practice and with the recommendations in the 2020 System Assessment.<sup>11</sup>

We urge the Committee to vote ought to pass on LD 1668 to ensure that Maine takes steps to remedy the significant shortcomings identified in the 2020 System Assessment.

Respectfully Submitted,



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<sup>10</sup> System Assessment, p. 136

<sup>11</sup> System Assessment, pp. 121-130.