



Joint Standing Committee on Criminal Justice & Public Safety
LD 756, An Act Regarding Services for Juveniles – OTP-A
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Chairpersons Senator Deschambault, Representative Warren, and Distinguished Members of the Criminal Justice and Public Safety Committee:

Good morning. My name is Mary Bonauto. I am a Portland resident and an attorney at GLBTQ Legal Advocates & Defenders, or GLAD. With our partners at Equality Maine and MaineTransNet, we support the amendment offered to LD 756, An Act Regarding Services for Juveniles. This bill proposes concrete next steps forward to provide the continuum of care and supports that justice-involved young people and their caregivers need to grow and thrive at home and in their communities.

Section 1 of the bill eliminates detention for “protect[ion] of the juvenile from an immediate threat of bodily harm” (amending 15 MRS sec. 3203-A (4)(C)) as a reason to hold a young person in detention. Notably, the 2020 comprehensive report of the Children’s Center for Law & Policy (“CCLP Report”), found that most youth were detained “for care” (a practice no longer permitted) and that nearly half of detentions were for less than four days. Maine Juvenile Justice System Assessment (Feb. 2020), at 10.¹ Such short detentions raise the question of whether the detention was necessary at all. Where “touches” from the criminal justice system have a profound and lasting impact on young people, and this “touch” involves confinement, it is advisable to limit the circumstances in which detention is permissible, consistent with the purposes of the Juvenile Code.

Section 2 of the bill addresses Tit. 15 MRS sec. 3313, which sets forth factors that overcome the assumption that a young person adjudicated to have committed a juvenile crime shall *not* be committed to a secure DOC facility. One factor for overcoming the presumption is when secure confinement is necessary public protection because “[t]he juvenile is in need of correctional treatment that can be provided most effectively by the juvenile’s commitment to an institution.” Under LD 756, the need for efficacious “correctional treatment” is removed as a basis for departing from the rule of no secure confinement for juvenile offenses.

- Again, this bill synchs with the CCLP Report’s findings. That Report stated that “many youth at Long Creek [are there] because of unaddressed or under-addressed behavioral health problems, or because of a belief the youth have no other place to go.” CCLP Rpt. p. 11, *id.* at 13 (“[i]ncrease investments in a continuum of services to address the unmet needs of youth.”). To this end, CCLP recommended creating a presumption of community-based responses for most youth,” *id.*, and building out the community

¹ This report is available as a link at: <https://www.mainejtaskforce.org/our-work>

continuum of care the State knows it needs,² and which would also serve the needs of justice-involved youth. *Id.* at 60-61 (mentioning office and outpatient clinical services, intensive case management, home based treatment services and family support services, crisis services, among others.).

Section 3 of LD 756 requires the Maine Department of Corrections (DOC) to contract with a private entity for individual assessments of the young people detained by or committed to DOC custody. Leading the assessments must be an “multidisciplinary team with expertise and experience in the assessment of the need for and the delivery of holistic services to juveniles and their families, including, but not limited to, medical, mental health, educational, permanency, housing, advocacy and other services to juveniles and are designed to identify the services needed to safely and effectively meet the needs of and promote the well-being of the juvenile.” Crucially, the report would describe “the services needed by juveniles detained in the custody of or committed to the department to avoid further incarceration or institutionalization,” which does not limit services only to those Maine already provides. This Committee could, upon review, follow up with legislation.

- This approach is sound in centering the needs of the youth – for food and housing, for physical and mental health, for education, supports and services – as a guide for how Maine should spend its financial resources. It builds on the insights of the CCLP Report that many young people could, with supports, succeed in the community. For example, a cross-cutting issue identified by CCLP was “significant poverty and housing instability” as well as “meeting the needs of girls”, “the immigrant community” and “especially vulnerable populations.” CCLP Report. p. 9. This insight was also confirmed by the DOC’s own hard work during the last two-plus years of the Covid pandemic to place young people in the community rather than at Long Creek when possible.³

Section 4 taps the Governor’s Office of Policy Innovation and the Future to “establish a pilot program to be administered by an independent, nonprofit community-based organization or collaborative of organizations to distribute funding provided by the office to small, community-based organizations and similar entities to establish or support community-based services.” The entity selected, or created, would focus its grants on the communities most affected by incarceration. The Office would report back to the legislature by January 1, 2024, with assessment and recommendations, including possible legislation for consideration in the 131st Legislature.

² Maine Dep’t of Health and Human Services (Dec. 15, 2018), available at <https://www.maine.gov/dhhs/ocfs/cbhs/documents/ME-OCFS-CBHS-AssessmentFinal-Report.pdf> (“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 or juvenile justice involvementMaine’s broken mental health system has led to a broken juvenile justice system.). See also Maine Juvenile Justice System Assessment & Reinvestment Task Force at 83 (Jan. 28, 2020), available at <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Task%20Force%20Slides%20%20January%2028%20-%20Final.pdf> (Task Force Slides) (“[T]here are many youth at the deepest end of Maine’s juvenile justice system not because of violent crime but because of unaddressed or under-addressed behavioral health problems, a belief that there are no other places for those youth to go, or delays in securing another type of placement or community service.”).

³ Further information about the Regional Care Teams is available as links at: <https://www.mainejjtaskforce.org/our-work>

- This initiative aligns with insights of the CCLP Report and community experiences. CCLP reported “Frustration and pain felt by youth, families and system stakeholders” as the first of the cross-cutting issues in addressing youth justice. CCLP Report, at 9. While the breach in services and supports is large, local and regional organizations rooted in community have stepped in to support young people and keep them in school, at home, and in community. These organizations are part of the solution to what young people need in community, and include organizations such as Maine Inside Out, Tree Street Youth, OUT Maine, The Landing Place, Portland Outright and many others.

Section 5 provides that the Office of Program Evaluation and Government Accountability will “develop a proposal and framework for ensuring appropriate independent oversight of the State’s juvenile justice system,” and provide to this Committee by March 2023 findings and recommendations for supervision of juvenile services.

- This proposal recognizes that DOC’s Juvenile Services have been and remain in transition, and provides a path forward for oversight of juvenile services in the State.
- Section 6 of the bill requests three separate appropriations, each of which is highly relevant to the corrections systems within this Committee’s jurisdiction.⁴⁵ As articulated in this concept bill, the appropriations are for:
 - #1: expanded child and juvenile services through the Departments of Health & Human Services, Education, and Labor, each of which plays a role in helping young people succeed;
 - #2: housing and resources for young people and their caregivers, including emergency shelters and rental assistance; and
 - #3: funding for small-community based organizations and similar entities to establish or support community-based services.

⁴ Appropriation #1

Amount = On-going General Fund appropriation of \$7,000,000 beginning in FY 22-23

Purpose = Provides funding to the Department of Health and Human Services, the Department of Education and the Department of Labor to expand child and juvenile services in the following areas: youth development, crisis response, mental health, peer support, restorative justice services, trauma-responsive services and services for victims of gender-based violence.

Appropriation #2

Amount = On-going General Fund appropriation of \$4,000,000 beginning in FY 22-23

Purpose = Provides funding to the Department of Health and Human Services to expand housing and related resources for children and juveniles and their caregivers, in a manner that prioritizes investment in service models and resources accessible to children and juveniles, including, but not limited to, transitional housing, emergency shelter and mobile respite beds, host homes and rental assistance.

Appropriation #3

Amount = One-time General Fund appropriation of \$1,000,000 in FY 22-23

Purpose = Provides funding to the Governor’s Office of Policy Innovation and the Future to fund a pilot program to be administered by an independent, nonprofit community-based organization or collaborative of organizations to distribute funding provided by the office to small-community based organizations and similar entities to establish or support community-based services.

Each of these funding paths is important – focusing on the youth’s needs, looking at the young people in the context of their family, and finally, providing support for the small community organizations that have stepped into the breach and provide invaluable and life-giving services and collaborations across the State.

We urge the Committee to vote ought to pass on the amended bill and the concrete steps it takes to ground and support what justice involved young people need to succeed. Thank you very much.

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