



March 4, 2022

Senator Susan Deschambault, Chair
Representative Charlotte Warren, Chair
Committee on Criminal Justice and Public Safety
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Re: LD 756 – An Act Regarding Criminal Services for Juveniles

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

My name is Atlee Reilly and I am the Legal Director at Disability Rights Maine (DRM), Maine’s protection and advocacy agency for individuals with disabilities. I am also a member of the Juvenile Justice Advisory Group and served on the 2020 Juvenile Justice System Assessment Task Force. Thank you for the opportunity to testify in support of LD 756, “*An Act Regarding Criminal Services for Juveniles*”.

As this Committee knows, the final recommendation in the 2020 Juvenile Justice System Assessment was to “[a]chieve removal of all youth from Long Creek”.¹ While I understand there is disagreement within this Committee and beyond, about the amount and type of secure placement options that Maine may need, I believe there is a general consensus that Maine “does not need anything close to the capacity it currently has available at Long Creek.”² Using this general consensus as a starting point, LD 756 would help Maine take the next steps in the process of moving beyond that institution.

¹ *Maine Juvenile Justice System Assessment Final Report*, Center for Children’s Law and Policy, at 136 (2020), available at <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>

² *Id.*, at p. 11.

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MAINE’S PROTECTION AND ADVOCACY AGENCY FOR PEOPLE WITH DISABILITIES

LD 756 would bring Maine’s juvenile code into alignment with national best practices by removing authority to incarcerate children to protect them from bodily harm or to provide treatment. While we should certainly ensure that children are protected from bodily harm and that children have access to the treatment they may need to address social, emotional and behavioral needs, we must abandon the notion that incarceration is an appropriate means to accomplish either of these goals.³

LD 756 would also require individualized needs assessments of all young people in the custody of the Department of Corrections over a 6-month period. These individualized assessments would be designed to identify the services and supports needed to safely and effectively meet the needs of children who have been detained or committed to Long Creek. This is based on an understanding that public safety goals are most likely to be achieved when we meet the needs of Maine’s children and families. And to address these needs, they must first be identified. LD 756 would accomplish this and result in an aggregate report that outlines the services and supports needed, whether or not they currently exist in Maine, to avoid the unnecessary institutionalization of Maine children.

LD 756 also calls for an initial investment of \$12 million to support the development of resources to meet the identified needs of these youth. The lack of adequate and appropriate community-based behavioral health services for Maine children and families is well documented.⁴ And given the clear harms associated with institutional placements, and Maine’s legal duty to avoid the unnecessary institutionalization of children,⁵ investments like those outlined in LD 756 are necessary.

Thank you again for the opportunity to speak to these important issues. I would be happy to try and answer any questions you have either now or at the work session.

Respectfully,

Atlee Reilly
Legal Director
Disability Rights Maine

³ Incarcerating young people is dangerous, ineffective, unnecessary, and wasteful, and it is not an appropriate way to protect children or provide them with therapeutic services. See: Annie E. Case Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, (Baltimore: Annie E. Case Foundation, 2011), available at: <https://www.aecf.org/resources/no-place-for-kids-full-report>

⁴ See: Me. Dep’t of Health & Human Servs., Office of Child & Family Servs., Children’s Behavioral Health Services Assessment Final Report (Dec. 15, 2018), available at <https://www.maine.gov/dhhs/ocfs/cbhs/documents/ME-OCFS-CBHS-Assessment-Final-Report.pdf>; and

⁵ The United States Supreme Court has held that Title II of the Americans with Disabilities Act prohibits the unjustified segregation of people with disabilities. *Olmstead v. L.C.*, 527 U.S. 581, 600 (1999). The Court explained that “institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life”, and “confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.” *Id.* at 600-601.