

# System Assessment Recommendations

October 2022 Update

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## Maine Juvenile Justice System Assessment

Prepared by the Center for Children's Law and Policy, the  
Juvenile Justice Research and Reform Lab at Drexel  
University, and the Center for the Study of Social Policy

February 2020

# Reduce Secure Detention and Commitment Populations

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
<p>Limit detention and commitment to youth who pose a significant danger to others (p.9, 54)</p> <p>Limit use of detention and commitment for technical violations of conditional release, probation, and community supervision (short-term goal #13, p 133)</p>	Reduce detention population by 14% since 1-1-20	DOC, DHHS and Legislature	<p>On 1/1/2020, there were 21 detained youth at Long Creek</p> <p>On 10/14/2022, there were 13 detained youth (and an additional 3 youth serving 30 day periods of confinement)</p> <p>38% reduction in detentions if “shock sentences” are excluded</p> <p>24% reduction in detentions if “shock sentences” are included</p>
Secure funding to support the expansion of existing evidence-based programs (eg Youth Advocate Programs, as an alternative to commitment and placement, Multisystemic Therapy, Functional Family Therapy) and short-term temporary housing and crisis bed capacity, which will help to significantly reduce the incarceration of youth who are not a public safety risk. Ensure that any such expansion includes gender-responsive programming to ensure that all youth benefit from these efforts (Short-term goal #5, p 133)	Reduce commitment population by 49% since 1-1-20		<p>As of 1/1/2020, there were 35 committed youth at Long Creek</p> <p>On 10/14/2022 there were 10 (8 males, 2 females) committed youth at Long Creek</p> <p>71% reduction in committed population at Long Creek</p>
	Reduce Long Creek total population by 36% since 1-1-20		<p>1/1/2020 total population at Long Creek = 56 youth</p> <p>10/14/2022 total population at Long Creek = 26 youth</p> <p>54% reduction in total population at Long Creek</p>

# Reduce Secure Detention and Commitment Populations (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Secure funding to support the expansion of existing evidence-based programs (eg Youth Advocate Programs, as an alternative to commitment and placement, Multisystemic Therapy, Functional Family Therapy) and short-term temporary housing and crisis bed capacity, which will help to significantly reduce the incarceration of youth who are not a public safety risk. Ensure that any such expansion includes gender-responsive programming to ensure that all youth benefit from these efforts (Short-term goal #5, p 133)	Institute weekly meetings to ensure reason for detention is risk to public safety	DOC, DHHS and Legislature	<b>Bi-weekly meetings are held at which the status of all detained residents is discussed. Some youth are detained order detained without a right to release so only a judge can order release irrespective of the reason for detention.</b>
	Develop new intake process that targets Length of Stay (LOS)		<b>2020 Average LOS for committed youth = 370.9 days 2022 (as August) Average LOS for committed youth = 332.4 days 10.4% reduction in Average LOS for committed youth</b>
Revise Detention Risk Assessment Instrument to limit detention to youth who pose danger to the community (p.10)  Revise the Detention Risk Assessment with objective criteria, points of only the most serious offense, and “mitigating” circumstances that demonstrate youth or family strengths (Short-term goal #9, p133)	Revise Detention Risk Assessment Instrument to focus on youth who pose danger to community		<b>In October 2021, DOC implemented a new Detention Risk Assessment Tool which is currently being validated by USM/Muskie.</b>

# Reduce Secure Detention and Commitment Populations (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
<p>Limit detention and commitment to youth who pose a significant danger to others (p.9, 54)</p> <p>Eliminate the mandatory required one year of commitment to DOC in Maine statute and create length of stay guidelines for committed youth in both law and practice. (Short-term goal #14, p. 133)</p> <p>Create a process for regular judicial review of commitments and out-of-home placements and codify the process in Maine statute. (Short-term goal #15, p. 134)</p>	<p>LD 320:</p> <ul style="list-style-type: none"> <li>➤ Prohibit DT of child under 12 for more than 7 days;</li> <li>➤ Establish 12 as minimum age for commitment;</li> <li>➤ End requirement of one-year minimum term of commitment;</li> <li>➤ Allow youth to petition for review of disposition every 180 days;</li> <li>➤ Provide counsel through review process;</li> <li>➤ Add criteria for court to consider in deciding whether to commit youth</li> </ul>	Legislature	
<p>Limit the use of detention to “provide care” and require specific findings about why detention was needed to begin to reduce the high number of youth detained for that reason (Short-term goal #8, p.133)</p>	<p>LD 546:</p> <ul style="list-style-type: none"> <li>➤ Remove “provide care” as reason for detention;</li> <li>➤ Require DOC to report annually on benchmarks for diversion, detention, commitment, use of DOC funds allocated for Long Creek, staffing levels at Long Creek, efforts to improve housing options for reentry youth, implementation of System Assessment recommendations</li> </ul>		

# Develop Continuum of Community-Based Programs and Services

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Develop a continuum of community-based services as alternatives to incarceration (pp.7, 52)	Create community residence for boys transitioning out of Long Creek (Bearings House)	DOC (and partners)	<b>MDOC has contracted with Day One to staff Unity Place in Auburn which provides a staff-secure programming for 4 male youth in a transitional living program (approx. 3 month program) and 2 male youth for attendant care youth (approx. 72 hours alternative to detention). The program began admitting youth September 1, 2022.</b>
Secure funding to support the expansion of existing evidence-based programs (eg Youth Advocate Programs, as an alternative to commitment and placement, Multisystemic Therapy, Functional Family Therapy) and short-term temporary housing and crisis bed capacity, which will help to significantly reduce the incarceration of youth who are not a public safety risk. Ensure that any such expansion includes gender-responsive programming to ensure that all youth benefit from these efforts (Short-term goal #5, p 133)	Create community residence for girls transitioning out of Long Creek (STEPS)		<b>MDOC is actively exploring ways to re-open the STEPS building and provide staff-secure/delayed-egress programming for up to 8 detained and committed females.</b>

# Develop Continuum of Community-Based Programs and Services (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Identify the funding sources and funding mechanisms that can support community-based continuums of care and provide funding directly to communities to work with youth. Ensure that funds go to programs that address the particular needs of vulnerable populations including youth of color, immigrant youth, LGBTQ+ youth, disabled youth and tribal youth (Short-term goal #3, p. 133)	Expand Youth Advocate Program	DOC	In fiscal year 2022, funding for the Youth Advocate was increased to allow 15 additional youth to be served. The program is currently funded to serve 37 youth in all 3 MDOC Regions per fiscal year.
	Expand Credible Messenger programming		Six adults have been trained as Credible Messengers, 4 of whom still mentor youth. Four youth have been trained as Young Messengers, 2 working with youth in the community, 2 working with residents of Long Creek. A total of 44 youth (39 males and 5 females) have received mentoring in the community or at Long Creek Youth Development Center since February 2020.
	Expand Change Companies programming		JCCOs in all three MDOC regions and staff at Long Creek are currently utilizing Change Companies journals and MDOC is exploring ways to provide “train the trainer” education for JCCOs in all 3 Regions.
	Reallocate \$6 million in funding from 14 vacant staff positions at Long Creek to support community-based programs and services. <b>CORRECTION: The reallocation of savings from the vacant positions at Long Creek will bring DOC’s TOTAL community programs budget to approximately \$6 million.</b>		

# Develop Continuum of Community-Based Programs & Services (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Identify the funding sources and funding mechanisms that can support community-based continuums of care and provide funding directly to communities to work with youth. Ensure that funds go to programs that address the particular needs of vulnerable populations including youth of color, immigrant youth, LGBTQ+ youth, disabled youth and tribal youth (Short-term goal #3, p. 133)	Develop Community Outreach Expansion Pilot Program in Lewiston, with focus on diversion, youth/family engagement, Credible Messengers	DOC	This goal was achieved with funding from JTG Foundation and JJAG. Between 11/14/2020 and 6/30/2022, the program logged over 1,000 hours of family and youth service. 24 youth received case management services, and 21 youth accessed flex funds. MDOC provided \$75,000 to Tree Street for fiscal year 2023 to maintain the Family Support Worker position.
	Provide state funds for programs and seek additional federal funding		<p>In fiscal year 2022, MDOC provided \$5,447,830.00 to the community-based programs and services provided by the following agencies: <i>New Beginnings, Preble Street, Carleton School, Kennebec Behavioral Health, Maine Behavioral Health, Tri-County Mental Health, Spurwink Services, Youth Advocate Program, OutMaine, The Opportunity Alliance, Wings for Children and Family Services, USM Cooperative, Day One, Aroostook County Action Program, Restorative Justice Midcoast, Restorative Justice Institute of Maine, Youth Led Justice (f.k.a. Maine Youth Court), Penquis Community Action Program, Spurwink Diversion to Assets, and Learning Works</i></p> <p>The initial FY 2022 community programs budget of \$4,653,037 was increased by \$794,793 due to reduction in Long Creek staff positions</p> <p>Since 2020, MDOC has applied for or assisted in the application of 8 juvenile-specific federal grants. Three awards were granted resulting in \$2,025,775 being available to serve Maine youth and families.</p>

# Develop Continuum of Community-Based Programs and Services (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
<p>Develop a continuum of community-based services as alternatives to incarceration (pp.7, 52)</p> <p>Plan for and begin to develop options that could better address the needs of the small number of youth requiring secure out-of-home placement because of a risk to public safety (Medium-term goal #10, p. 135)</p>	LD 546: Require DOC to identify by 2-1-22 options for 2-4 small secure therapeutic residences for detained and committed youth	LEGISLATURE	<b>MDOC has actively explored possible locations for small secure residential facilities for male and female detained and committed youth. Multiple sites have been visited and estimates for building renovations obtained.</b>
	LD 546: Call for JJAG to carry on efforts of JJ Task Force to implement recommendations of System Assessment		
	LD 546: Eliminate 20 staff positions at Long Creek and use money to support new community-based housing and programming		<b>In fiscal year 2021, 13 or 14 staff positions at Long Creek have been eliminated and savings transferred to juvenile community programming. In fiscal year 2022, MDOC sought and received legislative approval to transfer savings from vacant Long Creek positions to juvenile community programming.</b>
	<p><b>LD 756:</b></p> <ul style="list-style-type: none"> <li>➤ Increase investment in programs and services that provide support to system-involved youth in community, including housing, peer-supports, restorative justice, healing and treatment, economic and vocational support</li> <li>➤ Independent individualized needs assessments of youth in the custody</li> <li>➤ Pilot program for nonprofit community-based organization to distribute local, community-based grants to support youth.</li> </ul>		<b>As amended and included in the supplemental budget, provided funding for school-based restorative justice programs, mentoring services for youth involved in the juvenile legal system, and workforce development and educational or vocational programs for youth involved in the juvenile legal system. MDOE hired project manager to oversee project/use of funds.</b>



# Increase MaineCare rates, expand behavioral health services

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Provide a more robust array of behavioral health services (p.9, 59-61)	Raise provider reimbursement rate for MaineCare	OCFS (DHHS)	<b>Comprehensive rate reviews underway for Sections 13, 17, 28, 65, and 92</b>
Identify resources to raise the rates for evidence-based behavioral health services that have been reduced or eliminated in certain parts of the state (MST and FST) (Short-term goal #6, p. 133)	Increase clinician rate for Multisystemic Therapy and Functional Family Therapy		<ul style="list-style-type: none"> <li>➤ <b>Rate increase implemented</b></li> <li>➤ <b>Also included in 2022 rate review</b></li> </ul>
	Secure 4-year \$8.5 million federal System of Care (SOC) grant		<ul style="list-style-type: none"> <li>➤ <b>Grant secured</b></li> <li>➤ <b>Conducting quality assurance reviews of services</b></li> <li>➤ <b>Assist youth with getting access to evidence-based services</b></li> <li>➤ <b>Making technical assistance and training available to providers</b></li> <li>➤ <b>SOC Steering Committee, consisting of providers and youth and families with lived experience</b></li> </ul>
	Work with Dirigo Clinic and Counseling in Bangor to support adolescent intensive outpatient (IOP) services		<b>Collaborated with OMS to identify nine Opioid Health Home programs (among other practices), open to treating adolescents with OUD using medication</b>
	Provide new training program for practitioners no Detox		<ul style="list-style-type: none"> <li>➤ <b>Adolescent MOUD Project Echo (part of Maine SUD Learning Community) began in May of 2022 with nine participating practices</b></li> <li>➤ <b>Training for clinicians and partnering with Maine AAP on learning collaborative to provide education to primary care providers</b></li> </ul>
	Update strategic plan of Children's Behavioral Health Services and identify short- and long-term strategies		<b>Ongoing work on the 13 strategies to rebuild the full CBHS continuum of care with high quality, evidence-based services to meet the needs of youth in the least restrictive environment</b>

# Increase MaineCare rates, expand behavioral health services (cont)

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Provide a more robust array of behavioral health services (p.9, 59-61)	Conduct study of rates for Children's Private Non-Medical Institution services to raise rates and comply with Family First Act	OCFS (DHHS)	<ul style="list-style-type: none"> <li>➤ <b>Completed in 2021</b></li> <li>➤ <b>Providers received rate increases of 45-75% (depending on service category)</b></li> </ul>
Identify resources to raise the rates for evidence-based behavioral health services that have been reduced or eliminated in certain parts of the state (MST and FST) (Short-term goal #6, p. 133)	Expand Behavioral Health Program training contract with Woodfords Family Services		<ul style="list-style-type: none"> <li>➤ <b>Offering free BHP training statewide</b></li> <li>➤ <b>Funded social media marketing campaign to promote free training of BHPs</b></li> <li>➤ <b>Piloted a child-specific recruitment project</b></li> </ul>
	Improve crisis services through pilot Crisis Aftercare program in Aroostook County, expand statewide, establish new Crisis Center contract with Spurwink for Portland facility		<ul style="list-style-type: none"> <li>➤ <b>Pilot expanded statewide through SFY 23</b></li> <li>➤ <b>Plan to include the aftercare service in the MaineCare Benefits Manual by the end of the pilot</b></li> </ul>
	Provide training to clinicians on Trauma-Focused Cognitive Behavioral Therapy		<ul style="list-style-type: none"> <li>➤ <b>No cost training and consultation for national certification to 165 clinicians, included reimbursement for time spent and training and ongoing clinician support, training, and consultation</b></li> <li>➤ <b>Ongoing work to support clinicians in becoming certified in additional evidence-based models including Triple P, RUBI, MATCH, AND A-CRA.</b></li> </ul>
	Work with DayOne to increase access to youth residential SUD treatment		<ul style="list-style-type: none"> <li>➤ <b>Worked with DayOne to relocate and reestablish the boy's program</b></li> <li>➤ <b>Funding capitol infrastructure to build a girl's program</b></li> <li>➤ <b>Funding programming for youth residential SUD treatment</b></li> <li>➤ <b>Increased MaineCare reimbursement rate for youth SUD residential treatment</b></li> </ul>
	LD 118: Collect data on children who wait in ERs for behavioral health	LEGISLATURE	

# Increase Collaboration With Other State Agencies

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Develop more collaboration among state agencies (p.64)	Scale up and expand three Regional Care Teams with flex funds from JJAG	DOC, JJAG & Agency and University partners	<b>Regional Community Care Teams help support individual system-involved youth in community and inform broader system change and investment in a community-based continuum of care. See year one report at: <a href="https://placemattersmaine.org/regional-care-teams/">https://placemattersmaine.org/regional-care-teams/</a></b>
Address educational disengagement when youth enter the juvenile justice system (pp.65-66)  Expand use of diversion, including use of restorative practices, as an alternative to probation and commitment for assault and theft, the two most common offenses leading to commitment (Medium-term goal #4, p. 134)	Partner with Department of Education to develop Restorative Justice practices in schools	DOC, DOE	<b>MDOC and MDOE have each created full time Restorative Justice/Restorative Practices coordinator positions. The two coordinators meet regularly and are working to expand restorative practices in schools. MDOE is also applying for grants to increase capacity. MDOE continues to offer training for schools on how to make their code of conduct non-punitive and restorative, to develop a tier 3 model for RP interventions, and to standardize and codify RJ practices and procedures.</b>
Invest in a shared vision to enhance behavioral health services (p.127) Provide services in rural areas (p.66)	Partner with Office of Child and Family Services to expand substance use services in rural areas	DOC, OCFS	<b>From OCFS:</b> ➤ Youth SUD Specialist began January 2021 ➤ Training for clinicians and partnering with Maine AAP on learning collaborative to provide education to primary care providers ➤ Workgroups to build relationships among providers ➤ \$1.9 million to expand substance use treatment in rural areas ➤ Increased MaineCare rate for residential treatment
Create a method for integrating data across systems (p.51)	Work with child-serving agencies to monitor cross-system youth and increase data sharing	All Agencies; Judicial Branch	<b>The Maine Judicial Branch Children's Task Force Race and Equity Subcommittee contracted with Public Consulting Group to assess the capacity of Maine's youth serving agencies to share data on 10 specific data points. Project partners working with the Judicial Branch include DOE, DPS, DOC, and OCFS. PCG's final report, "Maine Interagency Data Assessment" was published in September 2022.</b>
Improve accessibility of data	Increase public access to juvenile data	DOC	<b>The MDOC website currently contains monthly reports providing data on juvenile referrals, detentions, commitments, and community reintegration. Annual Strategic Plans and other reports generated are also available on the MDOC website.</b>

# New Training for Juvenile Justice Personnel

RECOMMENDATION 2021-2022 Cangles to	RESPONSE	RESPONDER	UPDATE
Create new training for juvenile justice system personnel (pP.12, 114)	Train staff in girls' unit at Long Creek in gender responsive trauma-informed TIER Program	DOC	
Designate or create an entity charged with training judges, prosecutors, defense attorneys and other juvenile justice personnel on adolescent development, research on interventions with youth, and the harms associated with out-of-home placement. (Medium-term goal #11, p. 135)	Create new training curriculums on Adolescent Brain Development and Adolescent Trauma		
	Create separate Juvenile Certification/Training Curriculum for Maine Criminal Justice Academy		<b>MDOC developed a juvenile specific training curriculum and presented the curriculum to the Maine Criminal Justice Academy in July 2022 with a request that a juvenile-specific corrections officer certification be established. The MCJA Board of Directors determined that it current law does not allow for two distinct corrections officer certifications based on the populations served. MDOC continues to explore ways of creating a juvenile-specific certification for officers working with youth.</b>
	Changes to the Maine Juvenile Code training	JJAG, MCJPAL, MPA	<b>Training conducted in October 2021. Supplemental materials (slide deck) and video distributed as a resource. See 2021-2022 Changes to the Maine Juvenile Code - <a href="https://mainelaw.maine.edu/academics/clinics-and-centers/maine-center-juvenile-policy-law/">https://mainelaw.maine.edu/academics/clinics-and-centers/maine-center-juvenile-policy-law/</a></b>

## New Programs for Tribal Youth

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
Ensure that programs and services address the needs of vulnerable populations including tribal youth (p.10)	Partner with Aroostook Band of Micmacs and Boys and Girls Clubs of Presque Isle to secure \$500,000 grant over 5 years for delinquency prevention	DOC, JJAG	

# Additional Legislation to Improve the Juvenile Justice System

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
	LD 2: Requires Racial Impact Statements in legislative process	LEGISLATURE	
	LD 27: Allows immediate appeal from bind-over decision		
<b>Develop alternatives to detention that provide supervision without incarceration (e.g. day or evening reporting centers, intensive shelter care) in the highest referring communities. Ensure that any alternatives address the particular needs of vulnerable populations, including youth of color, immigrant youth, LGBTQ+ youth, disabled youth and tribal youth. (Medium-term goal #5, p. 134)</b>	LD 81: Extends shelter placements from 30 to 90 days; allows admission to homeless shelter without notifying parent/guardian for limited period		
	LD 963: Ensures that DOC's treatment, recovery, prevention, diversion, restorative justice programs are culturally informed		
	LD 1617: Defines "restorative justice"		
	LD 1676: Limits access to and provides protections for juvenile case records		<b>LD 1940: Makes technical corrections to the law governing the sealing of juvenile case records to allow for Judicial Branch and State Bureau of Identification practice of electronic notice</b>

# School Legislation Related to Juvenile Justice Involvement

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
	LD 474: Prohibits expulsion and denial of recess time, and limits suspension, of children grade 5 or below	LEGISLATURE	
Promote positive relationships between communities and police (p.80)	LD 1040: Requires implicit bias training for school resource officers		
	LD 1373: Limits use of seclusion and restraint in schools, prohibits restraints that restrict breathing, provide TA to schools, requires schools to collect data on use of seclusion and restraint		
	LD 1451: Provides due process standards for expulsion, gives school officials more options for alternatives to expulsion, adds restorative interventions to respond to dangerous student behavior		

# Legislation Passed But Vetoed By Governor Mills

RECOMMENDATION	RESPONSE	RESPONDER	UPDATE
<p>Enhance and expand diversion (pp.10, 78)</p> <p>Continue diversion, but focus on aligning policies, practices, and programs with best practices outlined in the report. Ensure that gender-responsive programs are available to ensure equitable access to diversion. (Short-term goal #7,p. 133)</p>	<p>LD 847: Require diversion of young adults 18-25 for first time Class E offenses and require consideration of diversion for Class C, D, and E offenses</p>	<p>LEGISLATURE</p>	
<p>Develop better options for the few youth who need secure out-of-home placement, consider moving juvenile services from DOC to other youth-serving agency (p.12)</p> <p>Achieve removal of all youth from Long Creek (Long-term goal #9, p. 136)</p>	<p>LD 1668:</p> <ul style="list-style-type: none"> <li>➤ Require DOC to create plan to close Long Creek by 6-20-23;</li> <li>➤ Redirect funds to community-based services not administered by DOC;</li> <li>➤ Develop individual transition plans for committed youth; Create workforce plan for Long Creek staff;</li> <li>➤ Identify options for moving juvenile services out of DOC to another agency serving youth</li> </ul>		