



# HOUSE OF REPRESENTATIVES

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## **Michael F. Brennan**

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Testimony of Representative Michael Brennan introducing:  
LR 3255, "An Act to Implement the Recommendations of the Juvenile Justice System  
Assessment and Reinvestment Task Force"  
March 4, 2020

Good Afternoon Senator Deschambault, Representative Warren and members of the Criminal Justice and Public Safety Committee. I am Representative Michael Brennan, and I represent District 36, part of the City of Portland. I am here today to introduce LR 3255, "An Act to Implement the Recommendations of the Juvenile Justice System Assessment and Reinvestment Task Force."

The Juvenile Justice System Assessment and Reinvestment Task Force was formed late last spring to review the current juvenile justice system and identify recommendations for reform. Chaired by Jill Ward of the Maine Center for Juvenile Policy and Law, Commissioner of Corrections Randall Liberty and myself, we have been meeting monthly since then and only recently received a final report.

We held our regular monthly public meetings across the state, and held public forums in Portland, Lewiston, Augusta and Bangor. We conducted six youth focus groups, plus another with detained and committed youth at the Long Creek facility, and over 100 interviews were held with key stakeholders.

The Center for Children's Law and Policy (CCLP), a Washington, DC-based non-profit, was engaged to support the Task Force and provide a comprehensive and independent assessment of the juvenile justice system. They analyzed data from the Department of Corrections and the Office of Children and Family Services on youth in custody at the Long Creek Youth Development Center, including needs, risk scores and MaineCare behavioral diagnosis and treatment data, and they conducted a comprehensive review of current policies, procedures and programs used in the juvenile justice system.

It was a lengthy and thorough project, and this bill is the result of all these efforts.

One of the major findings was that a majority of youth would be better served by being diverted to supervised community care and using positive reinforcement and restorative justice methods. By putting additional resources into community-based services this bill seeks to lower the youth incarceration rate by a significant amount.

More specifically the bill:

- Allocates \$2.5 million to the Department of Corrections (DOC) to contract with community providers to offer programs that will reduce detention and commitment to Long Creek.
- Allocates \$1 million to the Department of Health and Human Services to assist youth with a variety of behavioral health and other issues in conjunction with DOC.
- Establish benchmarks for the next three years related to reductions in incarceration at Long Creek.
- Asks DOC and DHHS to continue working with the Juvenile Justice System Assessment and Reinvestment Task Force on implementing this legislation as well as other recommendations found in the report by CCLP.
- Requires reports back to the Joint Standing Committee on Criminal Justice and Public Safety by DOC and DHHS
- Asks the DOC to identify multiple sites across the state that would be suitable as small-scale secure treatment residential programs.
- Repeals a provision of the Maine criminal code regarding the detention of youth who need care.

This bill represents a collective effort to take a major step forward in reducing the number of youth who are incarcerated by building a robust system of community-based services and programs.

The report prepared by CCLP makes it abundantly clear that too many youth are right now - today - incarcerated at Long Creek when they could be served in the community at almost no risk to themselves or to the public.

I encourage you to act favorably on the bill and I would be happy to answer any questions.

Drafter: JO  
Date: February 27, 2020  
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Sponsor: Rep Michael Brennan

**An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the initiatives established in this bill must be undertaken promptly upon the beginning of the next fiscal year in order to safeguard the health and welfare of Maine's justice involved youth and to safeguard the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1.** 15 M.R.S.A. §3203-A, §4, ¶C, sub-¶2 is repealed.

**Sec. 2. Benchmarks for reducing the number of detained and committed youths.** In relation to a baseline of the average daily number of youths detained and the average daily number of youths committed in the custody of the Department of Corrections for each day from April 1 to June 30, 2020, the Department of Corrections shall take action to ensure that the average daily population of detained youths and the average daily number of committed youths decrease by 25% by July 1, 2021. By July 1, 2022 the Department of Corrections shall take action to ensure that the average daily population for each group decreases 25% from the average daily populations on July 1, 2021. By July 1, 2023, the Department of Corrections shall take action to ensure that the average daily population for each group decreases 25% from the average daily populations on July 1, 2022.

**Sec. 3. Continuing role of the task force convened in 2020 on juvenile justice system assessment and reinvestment.** The Commissioner of Corrections shall work with the members of the task force convened in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment, referred to herein as the "task force," regarding implementation of this Act and ongoing juvenile justice system improvements. The task force shall provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a strategic plan to invest in a community-based system of therapeutic services for justice involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in section 2 of this Act. The task force shall convene an advisory panel of justice involved youth to advise the task force in the performance of its duties.

**Sec. 4. Annual reporting by the Department of Corrections through 2024.** After receiving advice and input from the task force but no later than January 31, 2021, January 31, 2022, January 31, 2023, and January 31, 2024, the Department of Corrections shall provide four

annual reports to the joint standing committee having jurisdiction over criminal justice and public safety matters. The reports must provide detailed information regarding:

1. The efforts of the Department of Corrections and the Department of Health and Human Services to offer diversion options for justice involved youth and to reduce the rates of detention and commitment of youth across the State;
2. The successes and challenges of the Department of Corrections in achieving the benchmarks for detained and committed youth set forth in section 2 of this Act;
3. The successes and challenges of the Department of Corrections and the Department of Health and Human Services in expanding access to community-based, therapeutic services or programs funded under section 6 of this Act for the purpose of diverting justice involved youth from detention and commitment and reducing the rates of youth detention and commitment;
4. The successes and challenges of the non-profit community agencies that have been awarded contracts to provide community-based, nonresidential, therapeutic services and programs for the purpose of diverting justice involved youth from detention and commitment and reducing the rate of youth detention and commitment as funded under section 6 of this Act;
5. The number and outcomes of youth served in the prior year by the non-profit community-based agencies awarded contracts under section 6 of this Act;
6. The number of staff at Long Creek Youth Development Center as of the preceding December 1 and staffing levels and challenges at the facility; and
7. The strategic plan developed by the Department of Corrections and the Department of Health and Human Services in consultation with the task force for the implementation of this Act and related juvenile justice system improvements.

**Sec. 5. Reporting on possible site locations for secure, therapeutic residences for detained and committed youth.** By January 1, 2021, the Department of Corrections shall report to the joint standing committee having jurisdiction over criminal justice and public safety matters on possible site locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing confinement and detention in a therapeutic setting for a maximum occupancy a total of 30 youths across all locations. The identified possible locations and sites must consist of one location in Cumberland County and one location in Penobscot County. Two other locations and sites may be identified to serve identified need. The identified possible locations and sites must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each possible location and site for the provision of therapeutic services and programs, including educational services, for youths living in the residences.

**Sec. 6. Appropriations and allocations.**

**CORRECTIONS, DEPARTMENT OF ;**  
**Juvenile Community Corrections 0892**

Initiative: Provides an appropriation to the Department of Corrections to provide ongoing funding to non-profit community-based providers for community-based, therapeutic services or programs for the purpose of diverting justice involved youth from detention and commitment

and reducing the rate of youth detention and commitment. These services or programs may include behavioral health, family support, housing, community supervision, restorative justice and transportation. An emphasis must be placed on offering these services or programs in rural parts of the state and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. All of the funding provided by this initiative must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human Services and overseen by the Department of Corrections, with non-profit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

|                           |         |                    |
|---------------------------|---------|--------------------|
| <b>GENERAL FUND</b>       | 2019-20 | 2020-21            |
| All Other                 |         | <u>\$2,500,000</u> |
| <b>GENERAL FUND TOTAL</b> |         | <b>\$2,500,000</b> |

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
Mental Health Services – Children Z206**

Initiative: Provides an appropriation to the Department of Health and Human Services to provide ongoing funding to providers of community-based, therapeutic services or programs for the purpose of diverting justice involved youth from detention and commitment and reducing the rate of youth detention and commitment. These services or programs may include behavioral health, family support, housing, community supervision, crisis stabilization and transportation. An emphasis must be placed on offering these services or programs in rural parts of the state and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. At least 70% of the funding provided by this initiative must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human Services and overseen by the Department of Health and Human Services, with non-profit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

|                           |         |                    |
|---------------------------|---------|--------------------|
| <b>GENERAL FUND</b>       | 2019-20 | 2020-21            |
| All Other                 |         | <u>\$1,000,000</u> |
| <b>GENERAL FUND TOTAL</b> |         | <b>\$1,000,000</b> |

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

**SUMMARY**

This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately.

The bill establishes benchmarks for measuring the average daily populations of detained youths and committed youths through July 1, 2023. The bill requires the Commissioner of Corrections to work with the task force convened during 2019 to study and make recommendations on juvenile justice system assessment and reinvestment regarding implementation of the bill, to provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services and to provide feedback regarding the development of a community-based system of therapeutic services for justice involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress.

The bill requires four annual reports on juvenile justice from the Department of Corrections to the joint standing committee having jurisdiction over criminal justice and public safety matters through January, 2024.

The bill requires that by January 1, 2021, the Department of Corrections must report to the joint standing committee having jurisdiction over criminal justice and public safety matters on possible site locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing detention and confinement for a maximum occupancy by a total of 30 youths. At least one of the residences must be located in Cumberland County, one must be in Penobscot County and the other residences must be located in areas determined to best serve youths close to their home counties. Options must be existing structures for renovation as secure, therapeutic residences. The report must include information regarding options at each location for the provision of therapeutic services and programs, including educational services, for youth living in the residences.

The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to the Department of Health and Human Services to provide ongoing funding for community-based, therapeutic services or programs for the purpose of diverting justice involved youth from detention and commitment and reducing the rate of youth detention and commitment.



Maine Prisoner Advocacy Coalition (MPAC)  
maineprisoneradvocacy.org  
PO Box 446 Lisbon Me 04250

To: Committee Members for Criminal Justice  
Fm: Joseph Jackson: MPAC Coordinator  
Re: Testimony Neither For Nor Against

03/04/2020

Greetings Senate chair Susan Dechambeau, Representative Charlotte Warren and Honorable Members of the Criminal Justice Committee.

My name is Joseph Jackson, and I'm the Director of Maine Prisoner Advocacy Coalition (MPAC), MPAC is a state-wide group formed in 2007. Our coalition members include, most importantly, offenders and their families and friends, organizational colleagues, and individuals dedicated to social justice and humane treatment of prisoners in Maine. I'm here today to take a stand neither for nor against LD 1684.

MPAC feels LD 1684 fails to take into account positions of some members of the Taskforce and system impacted youth.

Particularly calling into question whether the Maine Department of Corrections is the proper vehicle to distribute the 2 and 1/2 million dollars propose appropriation for community resources to create the continuum of care the report calls for.

We generally agree with reducing the number of incarcerated youth within Maine's juvenile system, and feel there is no mechanism in this bill, such as the elimination of shock sentences to lead to such deductions. We feel 25% each year for the next 4 years is too low a number and 4 years is too long to achieve the goal of virtually eliminating incarceration as an option for children.

We generally agree with the proposal for the continuation of the task force, and or the creation of an advisory council that includes community stakeholders. Particularly stakeholders with a racial justice lens to guide the implementation of the reports recommendations.

We generally agree with the proposal to create therapeutic settings using existing stock within targeted communities. However we feel 30 youth in secure facilities regardless of how therapeutic is still far too high.

We generally agree that resources should be diverted toward community organizations serving youth. But we feel the proposed 3 1/2 million dollar appropriation for community resources is too low and that number should be closer to 5 million.

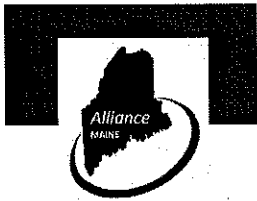
If push came to shove, MPAC would generally agree LD 1684 is a step in the right direction, and our stance as neither for nor against is us drawing a line in the sand indicating our unwillingness to compromise our commitment to caring for Maine's young people.

Thank you for your  
Time and Attention

Joseph N. Jackson : Director  
Maine Prisoner Advocacy Coalition  
Maine Inside Out: Advocacy Director  
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"Do the best you can until you know better, then when you know better, do better" Maya  
Angelou





**Alliance for Addiction and Mental Health Services, Maine**  
*The unified voice for Maine's community behavioral health providers*  
Malory Otteson Shaughnessy, Executive Director

~ Officers ~

Eric Meyer, President  
Spurwink

Dave McCluskey, 1<sup>st</sup> Vice-  
President  
Community Care

Bob Fowler, 2<sup>nd</sup> Vice President  
Milestone Recovery

Vickie Fisher, Secretary  
Maine Behavioral Health Org.

Suzanne Farley, Treasurer  
Wellspring, Inc.

Catherine Ryder, Past  
President  
Tri-County Mental Health

~ Board Members ~

Adcare Educational Institute

ARC at Mid Coast Hospital

Alternative Services, NE, Inc.

Aroostook Mental Health Ctr.

Assistance Plus

Catholic Charities Maine

CCSME

Christopher Aaron Center

Common Ties

Community Caring Collaborative

Community Concepts, Inc.

Community Health &  
Counseling

COR Health

Crossroads Maine

Day One

Kennebec Behavioral Health

Maine Behavioral Healthcare

MaineGeneral Behavioral Health

NFI North, Inc.

Portland Recovery Community Ctr.

Penquis C.A.P., Inc.

Pathways of Maine

Rumford Group Homes

SequelCare of Maine

Sunrise Opportunities

Wings for Children & Families

Woodfords Family Services

**Testimony in Support of LR 3255**  
**Recommendations of the Maine Juvenile Justice System**  
**Assessment & Reinvestment Task Force**

Sponsored by Representative Michael Brennan

March 4, 2020

Good morning, Senator Deschambault, Representative Warren, and esteemed members of the Criminal Justice and Public Safety Committee. I am Malory Shaughnessy, a resident of Westbrook, and the Executive Director of the Alliance for Addiction and Mental Health Services. The Alliance is the statewide association representing the majority of Maine's safety net community based mental health and substance use treatment providers. The Alliance advocates for the implementation of sound policies and evidence-based practices that serve to enhance the quality and effectiveness of our behavioral health care system.

On behalf of the Alliance, I am here to share our support for LR 3255, but to also speak to the broader needs within the behavioral health system of care for our youth in Maine that are at risk of escalating into crisis and into justice involvement.

As a member of the Maine Juvenile Justice System Assessment and Reinvestment Task Force, I can tell you that we spent a lot of time reviewing the current system of care and hearing about the gaps and need for investment in our community-based services. As a former County Commissioner, I was also a member of the Juvenile Justice Task Force that last reviewed this system a little over ten years ago.

It is extremely concerning that the major gaps found today were highlighted over ten years ago, and have actually declined in those interim years.

Ten years ago, Chief Justice Saufley said "Maine cannot afford to lose one more of its young people to prison and jails, to homelessness, to hopelessness." One of our three key recommendations ten years ago was to fund a much more extensive set of community-based treatment and placement options – but that never was fully realized.

Maine did begin to invest in Home and Community Treatment Services for youth struggling with behavioral and mental health issues, to work with them in their homes, and with their families, and it worked very well for a time.

However, we built this service and then never maintained it. The reimbursement rate for providing this service is the same as it was in 2006. There is not much that you find today that costs the same as it did in 2006.

Many things have changed since then and the cost of everything has gone up. So now we have a system of community-based care that is stretched too thin, completely missing in our rural areas, and so underfunded that it is not providing the level of care that these youth actually need.

Our residential behavioral health treatment services have suffered a similar fate in these interim years. We now have empty beds in residential treatment homes across the state because the rate has not kept pace with the cost of providing care, and staff cannot be found and retained to keep these beds open, and meet increasingly escalating behaviors.

So, YES we support this legislation to keep a task force moving forward to oversee implementation of the recommendations. We do not want to drop the ball this time. We support many of these recommendations.

However, we do not think this legislation goes far enough. We are failing our children and our state's future by not investing far more into a shattered system of care which will continue to let our youth fall through the cracks and end up in crisis, harming themselves, or possibly others.

The Alliance supports investing in our system of community-based services and programs for our youth at risk. We would advocate that the legislature goes further than this legislation before you today, to shore up the foundational MaineCare services of Home and Community-Based Treatment, including high intensity Multi-Systemic Therapy and Family Functional Therapy. We also know that we need to invest in a full continuum of appropriate care which includes residential treatment when home placement is not working. There is another bill addressing this bigger picture.

We support reducing the number of detained and committed youth as we are able to transition them to more appropriate, and less restrictive, placement elsewhere with services to meet their needs for treatment, and for rehabilitation and recovery. We support the evidence that says youth should not be locked up in large correctional facilities, that this type of placement actually does harm – and should be ended.

We would share some concerns about continuing to put money into the Department of Corrections for community care for youth that might be better placed in Health and Human Services. We support Juvenile Justice becoming part of a continuum of services and programming within our youth serving agency rather than staying in our adult corrections system. We know that behavioral health and child protective services intersect with juvenile corrections.

Given these concerns and call for further action, we do support the intent of this legislation to fill critical gaps and meet immediate needs.

Thank you. I would be happy to answer any questions.



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TESTIMONY OF ALISON BEYEA, ESQ.

**LR 3255 – Ought To Pass**

**An Act to Implement the Recommendations of the Juvenile  
Justice System Advisory Assessment and Reinvestment Task Force**

Joint Standing Committee on Criminal Justice  
and Public Safety

March 4, 2020

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Alison Beyea, and I am Executive Director of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I am here to support this legislation, while also urging you to broaden it.

First, I want to acknowledge the hard work that went into this bill. Several members of this committee sat on the Juvenile Justice System Assessment and Reinvestment Task Force<sup>1</sup> with me. For the past nine months, we met monthly to discuss the issues facing youth and systems tasked with care for youth in our state. We spent many hours talking and debating how Maine can develop alternatives to imprisoning its youth. The task force comprised stakeholders whose expertise was matched only by their diversity of professional background. At our final meeting last Tuesday, the Center for Children’s Law and Policy (CCLP) presented a lengthy report on Maine’s youth justice system – almost certainly the most thorough study of its kind ever done in Maine. The report is not only a wealth of knowledge about Maine and other states that are similar to Maine, but a good guidepost for where to go from here.

This bill resulted from negotiations after this long collaborative process. It is not perfect. No one person or organization came away with everything for which they would wish. But, as an

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<sup>1</sup> Maine Juvenile Justice System Assessment & Reinvestment Task Force, Website, *available at* [www.mainejjtaskforce.org/about](http://www.mainejjtaskforce.org/about). The taskforce was created by the 129<sup>th</sup> Legislature’s LD 1108, which is *available at* <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0812&item=1&snum=129>

organization that has been calling for reinvestment in community-based supports, the ACLU is heartened at the sizable sum of money appropriated for community organizations. We appreciate that this bill recognizes the size and scope of investment needed to build up supports so that communities—not institutions—are caring for our kids. When we invest in communities and in families in our state, and stop investing so much in the prison system, we will see the need for secure facilities recede.

The bill also imposes requirements that the DOC report back to this committee regularly. We support this requirement. In the 128<sup>th</sup> Legislature, we saw the good that pouring sunlight on what is happening at Long Creek when the Joint Standing Committees of Health and Human Services and Criminal Justice and Public Safety gathered together to discuss their joint responsibility to the children behind bars at Long Creek. We recommend, if the committee keeps the financial structure of the bill the way it is, that the Department of Corrections report to both the HHS committee and this committee. The only real way the legislature can monitor DOC's progress in implementing best practices for justice involved youth is through exactly this type of reporting requirement.

While we are supportive of the direction in which this bill would move our state, and the resources it would provide for young people, we also share some of the concerns of the young people you will hear testify today. We would be remiss if we did not address those issues, and we hope the committee will heed the words of those who have been through the juvenile legal system and who have particular insight into what is needed to care for and heal kids who are drawn into the juvenile system. We also hope the committee will carefully consider the CCLP report's findings.

### ***CCLP Report Findings***

The CCLP report's findings are harrowing, and confirm some of our worst expectations. We learned that “[i]n 53% of cases, the reason for detention was to ‘provide care’ for youth.”<sup>2</sup> Perhaps more revealing is that “72.7% of detention stays lasting longer than 30 days were for youth awaiting placement.”<sup>3</sup> Moreover, “[i]n 47% of cases, youth were held in detention for 3

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<sup>2</sup> Maine Juvenile Justice System Assessment Final Report at 8, Center for Children's Law and Policy et al. (2020) (hereinafter CCLP Report), *available at* <https://irp-cdn.multiscreensite.com/de726780/files/uploaded/Maine%20Juvenile%20Justice%20System%20Assessment%20FINAL%20REPORT%202-25-20.pdf>

days or less, suggesting they were not significant public safety risks.”<sup>3</sup> We also learned that “low risk youth staying substantially longer than high risk youth.”<sup>4</sup> In short, we are sending kids to prison because of the lack of community-based programs and services to provide supervision.

Another major finding is that an overwhelming proportion of incarcerated youth have a recent history of mental or behavioral illness. The report found that 69% of youth currently committed in Long Creek received behavioral health services through MaineCare the year before they were committed, with 55% experiencing residential stays and 16% with psychiatric hospital stays (some youth experienced both).<sup>5</sup> As a result, the juvenile justice system has become the default provider of behavioral and mental health services for Maine youth.

Still another concerning conclusion is that “youth who identified as Black or African American were detained at a rate of almost 8 times their rate in the population and were committed at a rate of more than 5 times their rate in the population.”<sup>7</sup> Relatedly, the report found that although Black or African American residents make up only 1.6% of the population, 23% of detained youth identified as Black/African American.<sup>8</sup> Many other such findings are summarized early in the report, and analyzed in detail throughout its pages.

Some of these problems are easier to understand – but no easier to stomach – when one considers how little Maine spends on the continuum of community-based services. Two examples of such programs are Multisystemic Therapy (MST) and Functional Family Therapy (FFT). MST is an intensive family and community-based treatment for justice involved youth.<sup>9</sup> FFT is a family-based prevention and intervention program that has been applied successfully in a variety of contexts to treat a range of justice-involved youth and their families.<sup>10</sup> According to the CCLP report, although these programs are “[s]ome of the most effective community-based interventions,” they “have been reduced or eliminated because of reimbursement rates.”<sup>11</sup>

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<sup>3</sup> CCLP Report at 37.

<sup>4</sup> CCLP Report at 8.

<sup>5</sup> CCLP Report at 8.

<sup>6</sup> CCLP Report at 50, 105-106.

<sup>7</sup> CCLP Report at 117.

<sup>8</sup> CCLP Report at 33.

<sup>9</sup> Jeff Latimer, *Multisystemic Therapy as a Response to Serious Youth Delinquency*, JustResearch no. 12 (2015), available at [www.justice.gc.ca/eng/rp-pr/jr/jr12/p5d.html](http://www.justice.gc.ca/eng/rp-pr/jr/jr12/p5d.html)

<sup>10</sup> Thomas L. Sexton and James F. Alexander, *Functional Family Therapy*, Office of Juvenile Justice and Delinquency Prevention, U.S. DOJ (2000), available at <https://www.ncjrs.gov/pdffiles1/ojdp/184743.pdf>.

<sup>11</sup> CCLP Report at 59.

Specifically, “486 youth had received MST services between 2015 and 2018.”<sup>12</sup> But “just 59 youth received the service in 2019.”<sup>13</sup> And “FFT providers reported serving 305 youth between 2015 and 2018 (a yearly average of 76), but only served 31 youth in 2019.”<sup>14</sup> These are some of our best tools for diverting youth from the prison system. I urge the committee, and the legislature, to reinvigorate them.

### *Concerns with the Bill*

Stated below are some concerns that we have about this legislation, and avenues we hope the committee will pursue.

First, the bill does not go far enough. The CCLP report’s ultimate goal, listed after 46 short, medium, and long-term goals or solutions, is to “[a]chieve removal of all youth from Long Creek.” This goal is no different from the demand that formerly incarcerated youth have made. It is no different from the demand that we, the ACLU, made more than two years ago, after a report revealed serious and troubling problems at Long Creek.<sup>15</sup> The bill before you does not propose or incentivize closing Long Creek. But if we truly love our youth, and want our youth to not only survive but also flourish, we must imagine a Maine free of youth prison.

And, not only does the bill not close Long Creek, but it urges the Department of Corrections to open up to four new facilities, in addition to Long Creek. While there are genuine disagreements as to whether new secure facilities would be needed if Long Creek is closed, we cannot support the building (even if it is remodeling of existing buildings) of new places to incarcerate children while also keeping Long Creek open. That would take us in the wrong direction.

To the extent the bill does address Long Creek, it proposes a modest, a gradual reduction in Long Creek’s population over three years’ time. There is no mechanism written into the bill to hold DOC accountable if it does not meet its goals. There is no consequence or enforcement mechanism in the bill. Without that, these benchmarks are merely aspirational.

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<sup>12</sup> CCLP Report at 60.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *ACLU Of Maine Calls For Closure Of Long Creek Youth Prison*, Press Release, Dec. 14, 2017, [www.aclumaine.org/en/press-releases/aclu-maine-calls-closure-long-creek-youth-prison#:~:text=](http://www.aclumaine.org/en/press-releases/aclu-maine-calls-closure-long-creek-youth-prison#:~:text=)

With regard to the appropriations, as stated above, we approve the move to significantly increase resources to communities. The proposed appropriations of \$1,000,000 to the Department of Health and Human Services starts the necessary process of building the infrastructure that some stakeholders insist is the reason we incarcerate youth. As stated earlier, between half and three quarters of the young people incarcerated at Long Creek are there awaiting placement in less secure facilities. Although not enough, this new appropriation will significantly expand these alternative placements, reducing the number of kids in prison.

The bill also proposes appropriations of \$2,500,000 to the Department of Corrections. While we are fully supportive of the amount of money that the bill designates for community services, we ask that you consider carefully whether the Department of Corrections is the correct agency to receive these funds. It is our belief that in order to truly shift our culture out of a culture of incarceration-as-the-answer-to-normal-childhood-behavioral-development, we must not only *invest* in communities and families, but also *divest* from the old ways of doing things. By giving the Department of Corrections \$2.5 million to spend on community programs, there is no incentive to spend less on incarceration. Instead, this frees up more resources currently spent on outside programming to put towards Long Creek.

### ***Conclusion***

Finally, we enthusiastically support the amendments proposed by Maine Youth Justice. Thank you for your time and attention.



Brighter Futures for Youth and Families

**Testimony in Support of LR 3255  
An Act to Implement the Recommendations of the Juvenile Justice System  
Advisory Assessment and Reinvestment Task Force**

**March 4, 2020**

Good afternoon Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee. I am Greg Bowers, Chief Executive Officer of Day One and also a member of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force. Please accept this testimony **in support** of LR 3255, An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment task Force.

Day One is the leading provider of substance use and mental health services for adolescents and their families who struggle with addiction and the underlying effects of trauma, mental illness and a multitude of socio-economic challenges. Most importantly to the consideration of this legislation is that Day One is this State's only provider of residential substance use treatment for adolescent boys and girls. Our Agency also provides substance use treatment within the Long Creek facility as well as the recently opened Bearings House. We've been doing this work for well over 40 years and we represent a critical line of defense in the fight against our State's seemingly endless cycle of generational trauma and addiction.

Our Agency strongly believes that youth should be treated and cared for in the least restrictive environment possible, ideally in the home and community where the family lives. This is why we support the goals of the task force and more specifically LR 3255. The goals and actions laid out in this legislation represent a good first step in making our State less reliant on juvenile incarceration as a means of back stopping shortcomings in other parts of our social service and healthcare system. It does this in a collaborative manner by joining the DOC, DHHS and community providers in developing community based resources that can have a near-term impact on the current detained and committed population within Long Creek. It also provides for a means of assessment to ensure that our investments and actions are having the intended outcomes.

While I am fully in support of these efforts, I must also caution this Committee and others that long term success in reducing the need for intensive care settings and out-of-home placement will ultimately depend on our ability to sustain an easily accessible and well-functioning continuum of care throughout this State. In other words, it is not just about emptying out Long





Brighter Futures for Youth and Families

Creek, it's about stemming the ongoing demand for settings like these which are created by the underinvestment in upstream services that can effectively treat and support youth and their families. School based counseling services, family therapy, MAT services for parents, intensive group therapy, home based services, residential treatment, and case management services are all important components to this continuum. Much of this infrastructure already exists throughout the State but has been significantly underfunded over the last decade. Chronic underfunding leads to staffing shortages, insufficient training, difficulty in taking on severely acute cases and an inability to invest in performance and quality improvement – all areas noted in the Task Force Assessment as areas for concern within the current behavioral health system.

My hope is that we as a State use the awareness created by the Task Force and its assessment of the current system to make the funding of our mental health and substance use services for youth and families a priority. A real investment must be made in the children and families who are now being traumatized by the current opioid crisis so that they can live healthy and productive lives.

Thank you for your attention to this matter and I would be happy to answer any of your questions.

Gregory Bowers, Chief Executive Officer

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Cell Phone: 207-272-0006





## MAINE YOUTH JUSTICE

### **LR 3255 - Recommendations of the Juvenile Justice System Assessment & Reinvestment Task Force**

Representative Warren, Senator Deschambault and members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Anthony Alfreds, I'm a resident of Portland and a member of Maine Youth Justice.

I remember the day I left Long Creek. It wasn't a happy day, you think it would be. It was the Day after Christmas and I remember coming out and looking around to see blankness. It wasn't an exciting moment because so much of my childhood had been stolen from me.

I'm here to testify neither for nor against this bill. Last week, I was here with 60 of my friends to call on this committee and the Task Force to create a plan for closure of Long Creek and the reinvestment of the \$18 million currently being used to lock kids up.

We need reinvestment into programs like Day One. They supported my education, mental health, and life skills. We had weekly chores like cooking for the people you live with. I had fun at Day One. They brought me to Funtown SplashTown and I got to play recreational football. I was there for seven and half months and they supported me in creating a routine with my medication. I was trained in a way that met my comfortability level that had a lot of options that aren't there at Long Creek.

The sole purpose of a building like Long Creek is to confine kids in a box. Its not to rehabilitate kids, it makes them far worse. The staff doesn't have the proper care or resources to support the young people there. The environment does not support young people developing life skills or healing.

I'm confused on why the Department of Corrections is spending \$300,000 a year to lock up kids and now is going to be given an additional \$2.5 million dollars. This doesn't make sense to us - why do we keep pouring money into a broken system?

In my experience, Long Creek is always going to follow me because of what happened when I was locked up. When I was 17, my father was in the hospital when I was in Long Creek. They wouldn't even take off my handcuffs to give him a hug before he died. A piece of me that will always be in that place and will haunt me for the rest of my life.

**Testimony of Linda M. Pistner, Deputy Counsel to the Governor**

**on**

**L.R. 3255, An Act to Implement the Recommendations of the Juvenile Justice System  
Advisory Assessment and Reinvestment Task Force**

**Committee on Criminal Justice and Public Safety**

**March 4, 2020**

Senator Deschambault, Representative Warren, and Members of the Committee on Criminal Justice and Public Safety, I am Linda M. Pistner, Deputy Counsel to Governor Janet T. Mills and I am here today to present testimony on L.R. 3255, “An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force,” on behalf of the Departments of Corrections, Health & Human Services and Public Safety.

These departments, particularly DOC, provided innumerable hours of assistance to the Task Force consultants, explaining programs, answering questions and delivering data and records. All have been working to improve outcomes for juvenile justice involved youth, planning for the long term and building a system that will better serve our children.

Attached to this testimony is a summary of actions taken over the past year by DHHS, DOC, DOE, DOL and DPS to strengthen Maine’s systems and divert those facing behavioral health challenges from the criminal justice system, both adults and children. These departments have been working collaboratively in many areas. The Children’s Cabinet, with its dual focus on our young children and those 14-24, is a significant example of how this administration has harnessed the energy and expertise of programs that serve children across departments.

One major initiative deserves mention here: the Office of Children and Family Services within DHHS has initiated planning for implementation of a new Federal Act referred to as Families First. Many preparatory steps have been taken over the past year to meet the eligibility standards for Families First, including some statutory changes. We believe that by October 2021, the state will have a federally approved plan which will enable Maine to access new federal funds to support an expansion of services to children and families, including greater access to evidence-based programs such as Functional Family Therapy or “FFT,” Multi-systemic Therapy or “MST,” and others. These are costly but effective programs that are home-based and proven to achieve the best results to keep families together and youth safely in their communities.

The Report prepared for the Task Force by the Center for Children’s Law and Policy, a national consulting firm based in Washington, D.C., describes numerous actions taken and in process by DOC and by DHHS. The DOC is committed to working with child serving state agencies, community providers, and other stakeholder to address the short- and long-term actions

described in the CCLP report. Implementation of many of these recommendations is already in progress and illustrates the administration's continuing effort to reduce the use of secure confinement for youth by increasing and improving community-based programming and by expanding services to children and families so that children do not enter the juvenile justice system in the first place.

We have questions and concerns with certain provisions of this bill. We have been in touch with Rep. Brennan and look forward to continuing our discussions with him and the committee.

Thank you.

## **Reaching Maine People At Risk and In Crisis**

Maine people should have access to mental health and substance use disorder interventions and treatment at the right time and in the right settings. While long-term strategies are being developed to strengthen Maine's systems and divert people facing behavioral health challenges from the criminal justice system, we cannot wait. This is why in the first year of the Mills Administration, numerous actions have been taken.

### **Actions to Date (DHHS, DOL, DOC, DOE and DPS)**

#### **Adults**

##### *Prevention and Diversion*

- \$3 million crisis center pilot (consent decree funding)
- Up to \$750,000 for medication management workforce development and increasing clients served (consent decree funding)
- \$700,000 in the biennial budget to create a dedicated crisis intake unit for adults with developmental / intellectual disabilities, which takes strain off of the mental health crisis system
- Attended mental health dockets
- \$1.5 million in the biennial budget to support pre- and post-arrest Law Enforcement Assisted Diversion programs
- Streamline eligibility process for Community Integration

##### *Treatment and Intervention*

- Expanded MaineCare, which has provided mental health treatment to more than 16,000 Maine people and substance use disorder treatment to more than 6,500 Maine people
- Update behavioral health homes in MaineCare
- \$5.5 million in the biennial budget for a new inpatient unit at DDPC
- Nearly \$10 million more in 2019 in Federal DSH funding with the recertification of RPC

##### *Reintegration*

- Created DHHS / DOC partnership: From June to November, 1,970 people assisted at intake on applying for DHHS benefits, with 496 leaving Maine State Prison with benefits (SNAP, MaineCare)
- Supported MAT in prisons, reentry work with Groups (98% attended first visit)
- Revised and improved protocols for intensive case managers
- Established Corrections Liaisons in each Vocational Rehabilitation office to promote smoother reentry to employment for those with disabilities exiting incarceration or on probation
- Piloted delivery of a Career Exploration curriculum at the Maine Correctional Center to build employment readiness skills for reentry to employment

#### **Children**

##### *Prevention and Diversion*

- Nearly \$3 million from Fund for Healthy Maine Opioid Funding for at-risk youth
  - Implement new DOE social emotional learning curriculum in 700 schools
  - Increase the number of schools implementing Second Step and Sources of Strength
  - Increase the capacity within school-based health centers to provide additional mental and behavioral health services, prioritizing high-risk youth
  - Collaboration between DHHS and the Department of Education to provide restorative practices support, education, and technical assistance
- Convened a Trauma Informed Task Force consisting of clinicians, educators, mental health agencies and administrators to identify and address needs for Trauma Informed Practices in schools across the state
- Addition of six new positions in DOE focused on prevention and support for schools
  - Social Emotional Learning / Restorative Specialist
  - Mental Health / School Counseling Specialist
  - Cultural / Family Engagement Specialist
  - School Safety Coordinator
  - School Safety Specialist
- Trauma Informed training and support for school districts to include MTSS development of identification of needs and appropriate response
- Convened a work group to explore the role and impact of School Resource Officers in supporting Trauma Informed Schools. (Goal of developing a model MOU)
- Created a position within DOC to create a Credible Messenger program. Credible Messenger Mentoring provides juveniles with a caring adult with similar life experiences to promote prosocial behaviors and relationships within the community.
- Cooperative Agreement between Muskie School of Public Health to strengthen administrative and cross system practice and measurement of results that contribute to youth justice reform and deepen gender and racial equity strategies.
- \$3.3 million HUD grant to New Beginnings on homeless youth (partnership with State agencies)

### *Treatment and Intervention*

- Create, implement child behavioral health strategy, including immediate actions like revising the wait list process
- Developed a Model Discipline Policy for schools that emphasizes Restorative Practices to reduce the use of exclusionary practices and strengthen students' connection to their community
- In response to feedback from educators, DOE has scheduled a conference in January to support the development of a strategic approach to include Trauma Informed Practices in schools
- Development of new resources for technical support and training in Social Emotional Learning (SEL), Restorative Discipline, and other Trauma Informed Practices
- Partnered with AdCare and SAMHSA for Student Intervention Reintegration Program (SIRP) which provides education to at-risk youth around substance use
- At Long Creek Youth Development Center, Trauma-Response Training (contract with outside specialist to provide training for direct care and treatment staff)

## *Reintegration*

- Opened Bearings House using MDOC staff for Community Custody males in a nonsecure community-based setting
- Contracted with Youth Advocate Program (YAP) to serve male and female youth transitioning out of Long Creek
- Awarded \$775,775 over three-years through Federal Second Chance Reentry Grant for youth reentering the community following secure confinement. The program will fund the following programs:
  - The Community Success Program (Bearings House)
  - Opportunity Scholars (\$31,000)
  - Muskie School of Public Health, Research and Evaluations (\$45,000)
  - Credible Messenger Programs (YAP, \$100,000)
  - Housing Assistance (\$31,000)

March 4, 2020

Senator Susan Deschambault  
Representative Charlotte Warren  
Joint Standing Committee on Criminal Justice and Public Safety  
100 State House Station, Room 436  
Augusta, ME 04333

**Re: LR 3255, An Act To Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force**

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

My name is Jill Ward. I live in South Portland and I am here today to offer testimony in support of LR 3255, An Act To Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force. I currently manage the Center for Juvenile Policy and Law at the University of Maine School of Law and have worked on juvenile justice policy and children's issues both nationally and here in Maine for more than 20 years. I also served, along with Rep. Michael Brennan and Department of Corrections Commissioner Randall Liberty, as one of the three co-chairs of the Maine Juvenile Justice System Assessment and Reinvestment Task Force.<sup>1</sup>

Established last May, the task force was formed to work with the Center for Children's Law and Policy (CCLP) who had been retained by the state's Juvenile Justice Advisory Group to conduct an assessment of the state's juvenile justice system. Conducting an assessment was one of the recommendations put forth in the September 2017 audit of the conditions Long Creek Youth Development Center to help determine factors outside of Long Creek that may be contributing to youth being incarcerated for low-level offenses, the high rate of referrals to Long Creek from mental health placements, and the lack of community-based alternatives.<sup>2</sup> It was also a recommendation coming out of a November 2017 summit hosted by the Justice Policy Program at the University of Southern Maine and the Maine Center for Juvenile Policy and Law with more than one hundred local youth justice practitioners and stakeholders. The summit report echoed the call for a comprehensive system review "to assess needs and service gaps. The review would cover all system policies and practices including all agencies that serve at-risk-youth (including DHHS), as well as stakeholders like law enforcement, judges, prosecutors, defense attorneys, youth and family members."<sup>3</sup>

Over the last nine months the CCLP team, with input and guidance from task force members, analyzed data, reviewed policies, procedures and programs used in the juvenile justice system, interviewed more than 100 stakeholders from across the state, conducted 6 focus groups with youth, including tribal youth and youth detained and committed at Long Creek, and gathered community input from 4 town hall forums and a community survey distributed statewide and accessible online. It was a tremendously thorough and collaborative undertaking which has resulted in more information than we have ever had about Maine's current system coupled with a comprehensive compilation of best practices, policies and programs from across the country.

The last time Maine looked comprehensively at the functioning of our juvenile justice system was more than a decade ago.<sup>4</sup> Several of the recommendations from that effort have been successfully

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<sup>1</sup> For more information see, [www.mainejjtaskforce.org](http://www.mainejjtaskforce.org).

<sup>2</sup> Long Creek Youth Development Center, Conditions Assessment Narrative Report (Center for Children's Law & Policy, September 2017),

<sup>3</sup> Sanchez, M. King, E., & Ward, J. (2018). *Youth Justice in Maine: Imagine a New Future Summit, Summary and Recommendations*.

<sup>4</sup> The Maine Juvenile Justice Task Force. (June 2010). *An Integrated Approach to Transforming Maine's Juvenile Justice System*.



implemented. For example, since 2010 the number of detained and confined youth has dropped significantly and high school graduation rates are up. However, a main recommendation at the time was to develop a plan to build and sustain a continuum of care that includes the availability of diversion programs, placement alternatives, afterschool programs, drop-in centers, weekend recreation, transition services, and family supports for youth statewide. This vision for a coordinated system of community-based, integrated services for youth across Maine has yet to be realized.

Ten years later, we know much more now than we did then about what works, what gaps exist today, and what we can learn from other jurisdictions across the country. The current report is an incredible resource that provides a roadmap for Maine to pick back up on the unfinished work of the 2010 task force. And, given the success of the Department of Corrections in reducing the number of detained and committed youth over time, Maine has an incredible opportunity to fundamentally transform the juvenile justice system to further decrease the use of incarceration and ensure that Maine youth have access to a robust continuum of community based services.

This bill is an important first step to affirm our collective commitment to use the findings and recommendations in the report and translate them into a plan for a continuum of care that supports all Maine youth. LR 3255 does several important things:

1. **It prohibits the use of detention for the purpose of providing care.** Best practices dictate that detention be use for only two purposes: 1) to prevent the commission of another offense and 2) to ensure the youth will appear in court after release.<sup>5</sup> The assessment found that 53% percent of youth in detention were there “to provide care” simply because there was no appropriate place for them to go. Detention removes youth from their natural support systems and has been demonstrated to have negative short and long term consequences, including increased depression, anxiety and other behavioral health issues. This provision would push systems to identify and establish more appropriate, less harmful responses for these youth.
2. **It establishes benchmarks and annual reporting from the Department Corrections.** These provisions are important to measure progress and to inform how on-going efforts and investments are working.
3. **It maintains the advisory role of the task force and establishes an advisory council of system-impacted youth.** These structures are critical to foster on-going collaboration and to help prioritize and implement the report recommendations and provide accountability for making progress. The report outlines an extensive set of recommendations from arrest and diversion to commitment and detention to financing and these recommendations are further organized along the lines of short-term, medium-term and long term goals. To be successful, this work requires some mechanism to help steer the process, to break down siloes, and to foster greater collaboration and trust between agencies, system players and community. Establishing such a mechanism is standard practice in other states engaged in system reform<sup>6</sup> and has been in Maine as well.<sup>7</sup>
4. **It calls for the Departments of Corrections and Health and Human Services to develop a strategic plan, including identifying options for providing secure care that move away from the youth prison model.** Research has demonstrated negative impacts from both formal juvenile justice system processing and subsequent confinement.<sup>8</sup> Rather than providing a public safety benefit, formal system processing often has the opposite result: youth who have had some justice system involvement are

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<sup>5</sup> Center for Children’s Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment*. p. 81.

<sup>6</sup> *Id.* p. 132.

<sup>7</sup> See, Maine Children’s Cabinet Early Childhood Advisory Council. The CCECAC is focused on the implementation of early childhood policy and programming to support the effective delivery of public and private services and education to young children from birth to 3rd grade in the state. CECAC is focused on the implementation of early childhood policy and programming to support the effective delivery of public and private services and education to young children from birth to 3rd grade in the state. Retrieved at: <https://www.maine.gov/future/initiatives/childrens-cabinet/advisory-council/>

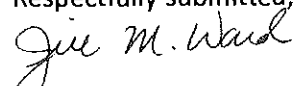
<sup>8</sup> McCarthy, P., Schiraldi, V., and Shark, M. (2016). *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections* (October 2016). National Institute of Justice, Harvard Kennedy School. Available at: <https://www.ncjrs.gov/pdffiles1/nij/250142.pdf>.

more likely to reoffend than those who were effectively diverted from the system.<sup>9</sup> Re-offense rates are similarly higher for those youth who are confined as compared to those who are diverted or managed in the community.<sup>10</sup> Adjudicating and incarcerating our children is not making us safer and is, in fact, contributing to a variety of other harms, including increased risk of abuse and trauma, a lack of fairness, harm to families, and negative developmental and educational impacts; all at a higher cost than community-based alternatives. Examining possible options for small, secure residences for the purposes of providing confinement and detention in a therapeutic setting is an important step in moving youth out of Long Creek and into options that are closer to home and community and focused on healing and reintegration to ensure better outcomes.

5. **It provides for a necessary down payment to invest in a coordinated system of community-based, integrated services for youth across Maine.** We know more must be done to ensure *all* young people have access to a continuum of appropriate, effective community-based alternatives to incarceration; alternatives that have been shown to more effectively serve youth and at substantially less cost.<sup>11</sup> The assessment found that 53% percent of youth in detention were there “to provide care” simply because there was no appropriate place for them to go. Additionally, the report found a significant number of committed youth were assessed at a low or moderate risk and could better served in the community.<sup>12</sup> And, consistent with prior state and national research, the report confirm that racial and ethnic disparities persist. This bill provides needed resources to allow more youth to be served in the community and targets those resources to support non-profit community-based programs in rural parts of the state and to those that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

Unfortunately, the juvenile justice system isn’t designed to help young people when they need it most: before they get in trouble. But many youth can’t access opportunities like mentorship until something happens, and that’s the opposite of how it should be. Still other youth experience systems and programs that have failed them along the way and end up in the one system that can’t say no, but is the least equipped and least appropriate place to address those unmet needs. Maine is just one of dozens of other states and jurisdictions across the country who are reexamining their systems, how and where public dollars are spent, and what it means to support communities in caring for and holding young people accountable close to home. LR 3255 is a good first step.

Respectfully submitted,

  
Jill M. Ward

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<sup>9</sup> Juvenile Justice Resource Hub, “Community-Based Alternatives: Key Issues,” retrieved at: [http://jjie.org/hub/community-based-alternatives/key-issues/#\\_edn6](http://jjie.org/hub/community-based-alternatives/key-issues/#_edn6); citing Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburger, “Formal System Processing of Juveniles: Effects on Delinquency,” Campbell Systematic Reviews (January 29, 2010), 38. Available at <https://bit.ly/3Qmd72U>. See also National Juvenile Justice Network, “Emerging Findings and Policy Implications from the Pathways to Desistance Study,” (Washington, DC: 2012). <http://bit.ly/14jXkQl>.

<sup>10</sup> Richard A. Mendel, “No Place for Kids: The Case for Reducing Juvenile Incarceration” (Baltimore: The Annie E. Casey Foundation, 2011), 10. Available at: <http://www.aecf.org/noplacforkids>. Also see Richard A. Mendel, “Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice,” (Washington, DC: American Youth Policy Forum, 2001), B, available at <http://bit.ly/1DfNfjz>, which states that studies of youth sent to large juvenile correctional institutions in the past 30 years have found a 50-70 percent recidivism rate within one to two years of release; James Austin, Kelly Dedel Johnson, and Ronald Weitzer, “Alternatives to the Secure Detention and Confinement of Juvenile Offenders” (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, September 2005).

<sup>11</sup> *Safely Home: Reducing youth incarceration and achieving positive outcomes for high and complex need youth through effective community-based programs.* (June 2014). Youth Advocate Programs, Inc. Available at: <http://www.yapinc.org/Media/ArticleID/138/New-YAP-Juvenile-Justice-Report-Garners-National-Attention>

<sup>12</sup> Center for Children’s Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment.*

# Maine Juvenile Justice System Assessment and Reinvestment Task Force: Summary of Preliminary Findings and Recommendations

For more information, visit [www.mainejjtaskforce.org](http://www.mainejjtaskforce.org).

## Goals

- Conduct comprehensive assessment of Maine’s juvenile justice system;
- Examine existing programs and services to assess effectiveness and identify gaps;
- Recommend strategies to develop continuum of community-based, research-based interventions.

## Methodology

- Analyzed data from DOC on youth in Long Creek from 6/1/18 to 5/31/19, including needs, risk scores, and MaineCare behavioral diagnosis and treatment data;
- Conducted comprehensive review of current policies, procedures, and programs used in the juvenile justice system;
- Interviewed or met with Governor Mills, Chief Justice Saufley, Attorney General Frey; commissioners and associates in DOC, OCFS, DOE, DPS, DOL; regional DOC managers and Juvenile Community Corrections Officers; Long Creek administrators, staff, and teachers; judges, prosecutors, defense attorneys, law enforcement, crime victims, parents, residential and community service providers, in Portland, Lewiston, Augusta, Bangor and northern Maine; advocates working on juvenile justice reform; educators; mental health professionals; researchers;
- Conducted six youth focus groups throughout state, plus with detained and committed youth at Long Creek;
- Held Town Hall meetings in Portland, Lewiston, Augusta, and Bangor;
- Conducted a community survey on juvenile justice system with 480 respondents.

## Guiding Principles

- Ensure fundamental fairness
- Recognize youth are different from adults
- Use the most cost-effective interventions
- Focus on youth’s individual needs and strengths
- Promote accountability of youth for their behavior, of communities for their youth, and agencies for results for youth and communities
- Ensure safety of communities
- Listen to youth and community voices
- Work with youth in the least restrictive setting consistent with public safety
- Achieve equity by race, ethnicity, gender, disability, LGBTQ status, and immigrant status

## Findings

### **DOC’s Progress**

- Diversion for 85% of youth eligible for diversion, reduction in annual number of detained youth by 56% since 2010, reduction in annual number of committed youth by 68% since 2010;
- Working on promising initiatives: creation of staff-secure housing (RISE, Bearings House), contract with Youth Advocate Programs, federal Second Chance Reentry Grant, Credible Messenger program, work with Vera Institute of Justice to eliminate incarceration of girls.

### **Detained Youth**

- In 45% of cases, offense was not a crime against person;
- In 53% of cases, reason for detention was to “provide care” for youth;
- Large portion of detained youth were assessed as low or moderate risk/needs;
- In 46% of cases, youth were held 3 days or less;
- Many youth in detention due to lack of community-based alternatives, waiting for openings in programs, and technical violations of release or probation.

### **Committed Youth**

- 25% of youth came to Long Creek from a residential placement prior to commitment;
- In 42% of cases, offense was not a crime against person;
- Large portion of committed youth had low or moderate risk/needs\*;
- Long lengths of stay, with low risk youth staying longer than high risk youth\* (median number of days):  
High risk: 321 days Moderate risk: 535 days Low risk: 580 days
- 69% of youth received behavioral health services from MaineCare in year prior to commitment;
- 65% of youth had history of child welfare investigation, 45% indicated or substantiated.

\* Risk/needs assessment occurred at various time points (i.e., before, during, after detention or commitment) and therefore comparisons across risk level groups should be made with caution.

**Needs of Youth and Cross-Cutting Issues**

- Less secure confinement capacity needed: 25-40% of recent population of 50-70 youth;
- More psychiatric residential treatment (including secure forensic unit/capacity);
- More restorative justice programs, shelter beds, transitional housing, mental health programs, substance abuse programs, and crisis beds and mobile crisis teams (in northern part of state);
- Increased collaboration and coordination among all youth-serving agencies and flexible funding;
- Reimbursement rates for mental health services sufficient to sustain programs and retain staff;
- Continuous Quality Improvement in all programs;
- More training for judges, prosecutors, defense attorneys, and other juvenile justice personnel.

**Recommendations**

**Arrest**

- **Diversion works: continue progress and adopt best practices;**
- Focus on reducing thefts (non-auto) and assaults by community prevention strategies;
- Create opportunities to allow police to divert youth directly to programs and services;
- Develop and implement strategies to connect communities and police in positive ways;
- Transfer diversion to community organization or coalition or non-court agency.

**Detention**

- **Use detention primarily to ensure appearance at court and ensure public safety;**
- Limit use to “provide care” and require specific findings;
- Revise detention risk screening instrument;
- Mandate graduated responses and community supports for technical violations;
- Develop differential warrants for types of violations of probation or court orders;
- Develop alternatives to secure detention (evening reporting centers, YAP, shelters);
- Develop alternatives for youth without housing (shelters, group homes, foster care);
- Do not detain youth who will be released in a few days.

**Probation**

- **Focus on skill-building, positive youth development, and connecting youth to positive community-based programs and services;**
- Adopt presumptive limits on lengths of supervision;
- End use of boilerplate conditions of probation and focus instead on individualized treatment goals;
- Limit the use of detention and commitment for technical violations;
- Adopt an official incentives-driven community supervision model and track outcomes.

**Placement**

- **Research finds that lengths of stay longer than 3-6 months have negligible impact on recidivism;**
- Eliminate mandatory length of stay requirements, and create guidelines based on research;
- Create presumption of community-based responses for most youth;
- Create a process for judicial review of commitments and out-of-home placements;
- Develop placements that can better meet the mental health and other needs of youth;
- Create community-based continuums of care (programs and services) to meet the varying needs of youth;
- Develop more robust partnership with Department of Labor for workforce development programs;
- Reassign responsibility for juvenile justice to a separate department or different agency;
- Do not co-locate youth and women in DOC custody at Long Creek.

**Transfer**

- **Continue current practices to limit the use of bind-over of youth to adult court.**

**Financing**

- **Leverage cross-system investments, including collaborative flex funding;**
- Support local flexibility and expertise (more to come in February report).

**Next Steps**

- **Establish infrastructure to oversee implementation of recommendations and reforms;**
- Develop a plan to present the assessment findings to the Children’s Cabinet;
- Promote funding sources and mechanisms to support community-based continuums of care;
- Build public support for reforms through media and other mechanisms;
- Identify examples of programs from other jurisdictions that are relevant to Maine;
- Develop reform legislation with reference to comprehensive reform and reinvestment bills from other jurisdictions, including legislation to reassign juvenile services to another agency;
- Develop a work plan to respond to the recommendations in the assessment.

# Maine Children's Alliance



Testimony of Rita Furlow, Senior Policy Analyst

Maine Children's Alliance

Before the Joint Standing Committee on

Criminal Justice and Public Safety

LR 3255

*Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force*

January 23, 2020

Good afternoon, Senator Deschambault and Representative Warren, and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Rita Furlow. I am the Senior Policy Analyst at the Maine Children's Alliance. We are in support of LR 3255, *Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force*. The Maine Children's Alliance is a statewide non-partisan, non-profit research and advocacy organization whose mission is to promote sound public policies to improve the lives of children, youth, and families in Maine.

We thank the members of the Juvenile Justice Task Force for producing a report with detailed recommendations from national experts as well as local young adults who have the lived experience of being incarcerated in Maine. Both groups agree that many of the youth at Long Creek are there because there is no other place for them to go. Further, more than half of the youth detained are there three days or less, so it is difficult to contend that their confinement was necessary for public safety. We believe low risk youth should never be confined or jailed.

While Maine has made great strides in both reducing the number of arrests [Kids Count Youth Arrested](#), and in reducing the number of youths incarcerated [Kids Count- Youth in Detention](#) -- now is the time to do more. Research has found that incarceration is ineffective as a treatment or as a deterrent.

The Maine Juvenile Justice System Assessment Report is a thorough look into how Maine has been treating our young adults who have entered the juvenile justice system. The report authored by the Center for Children's Law and Policy noted that "new leadership in the state executive branch, a commitment to reform by legislative leaders and strong support from the Judiciary have created a favorable environment for change."

We agree that now is the time for change and this bill is the first step of implementing these important recommendations to:

- Set benchmarks for reducing the number of youth incarcerated
- Develop a strategic plan which is based on the recommendations from the report to improve community-based services so that youth may safely be treated if they have mental health issues and housed if it is the lack of safe housing that made Long Creek the only option.
- Continue the task force discussions of how to achieve it in communities across the state, and discussing what secure, therapeutic care we may need
- Create and revise policies for existing community-based services that support children who have higher levels of needs without them being ejected or removed;
- We must bring down silos among state agencies that prevent children from receiving the services they need they need to thrive and be successful;
- Appropriate \$3.5 million for a continuum of care for community-based, therapeutic services or programs for the purpose of diverting justice involved youth from detention and commitment

The Maine Children's Alliance supports this bill as a first step towards having a system in place that will allow for the closure of Long Creek within four years, and for evidence-based treatment for youth so that all our children get the supports they need to reach their full potential while our communities serve as safe and supportive places for them to grow.

Thank you for your consideration.

Tree Street Youth  
144 Howe St.  
Lewiston, ME 04240

3/4/2020

To: Committee Members for Criminal Justice and Public Safety  
From: Julia Sleeper-Whiting Executive Director Founder Tree Street Youth  
Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Honorable Members of the Criminal Justice Committee:

My name is Julia Sleeper-Whiting, and I am the Executive Director and Founder Tree Street Youth in Lewiston. Tree Street was founded in 2011 as a homework help program serving kids in downtown Lewiston. Since then, it has grown into a full-service youth development center that serves over 750 at risk youth per year all year long. Tree Street Youth supports the youth of Lewiston-Auburn, Maine through academics, the arts and athletics. We provide Lewiston-Auburn youth with a safe space that encourages healthy physical, social, emotional, and academic development while building unity across lines of difference.

Tree Street is also the home to the Sequoia and REDWOOD Young Mens' and Womens' empowerment programs which are focused on serving youth involved or at risk of being involved with Juvenile Corrections system. These programs serve as an alternate to detention/reporting center model which supports youth in community service completion, social emotional support/regulation, novel experience programming, and self-empowerment. All programming is grounded in restorative practices and youth voice/participant driven.

*On behalf of MIO, I am testifying for this bill but want to advocate for amendments to LR 3255 as a way to address our concerns with the bill.*

- 1. In Sec. 3. We urge an amendment to create an integrated team of stakeholders, including representatives of state agencies, community-based providers/advocates and community members with lived experience of youth incarceration to become a design team for a continuum of care in pilot communities. This group will work hand in hand with community leaders, those most effected in each respective community and system leaders to design an effective and thorough continuum of care that will support the youth at risk in each pilot community that will meet the needs of all stakeholders and system leaders involved. Once the design for the continuum for a pilot community is complete, we can apply the funding to implement the design. We**

must carefully design a continuum of care and then begin to distribute the money. This group would also determine who gets the money based on the co-created design.

- 2. In Sec. 6. Appropriations and allocations, we would like to recommend that there be an intermediary Design team created to decide the best ways to allocate funding to community based organization. We advocate for Co-creation Design Team that will work to administer the funds once a unique continuum of care is designed for each unique pilot community.** As stated above this body of individuals will focus on design work first then applying funding to a fully approved design pilot model. This group and the design will look different in each community based on their unique needs.

As a community based non-profit who has developed their organization based on youth voice and a co-creation model we have seen first hand the ways empowering and following the lead of communities in collaboration with conscious, supportive, and understanding systems truly leads to the greatest outcomes. Tree Street is committed to sharing our knowledge, experiences, and learnings from over the years in order to support the successful movement forward to create true continuums of care fully equipped to support all of Maine's youth.

Thank you for your consideration of our recommendations.

Sincerely,



Julia Sleeper-Whiting  
Executive Director/Founder  
Tree Street Youth  
144 Howe St.  
Lewiston, Maine 04240





LR 3255 - Recommendations of the Juvenile Justice System Assessment & Reinvestment Task  
Force

Representative Warren, Senator Deschambault and members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Adan Abdikadar and I'm an organizer with Maine Youth Justice. Today I am testifying on behalf of the closing of Long Creek. I'm here to testify neither for nor against this bill.

Before I make a statement on where I stand on this decision I would like to say that we are making life impacting decisions and that we must be careful on the steps we make on making decisions, today is about making a better future.

We must invest in our community's and community based programs, we are tired of having our kids enter the system at an early age and we are tired of our children being so isolated and put in buildings that are nowhere near the community's. Our children belong with they're families, they belong in the community not the system.

Why don't we invest in keeping our children out of jail, why do we not have community grown programs instead of DOC run programs. Therefore I would like to say I see the state moving forward and taking steps towards change to bring down the amount of youth incarcerated. But nothing will change until there are NO KIDS IN PRISON.



**MAINE YOUTH  
JUSTICE**

Al Cleveland  
[al@maineyouthjustice.org](mailto:al@maineyouthjustice.org)  
(207) 504-5109

**LR 3255 - Recommendations of the Juvenile Justice System Assessment & Reinvestment  
Task Force**

Representative Warren, Senator Deschambault and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Al Cleveland. I'm the Campaign Manager of Maine Youth Justice.

Maine Youth Justice is a nonpartisan campaign fighting to end youth incarceration in Maine and invest in a range of community-based alternatives that respond to young people's needs, support families, and build community in support of alternatives to youth incarceration. Our campaign is led by young people who are most impacted by the justice system and centers the voices of those who have spent time incarcerated.

Maine Youth Justice is testifying neither for nor against this bill. We recognize the intent and spirit the members of the Juvenile Justice Task Force had and ask this committee to reconsider this legislation.

The Juvenile Justice Task Force held four public forums across the state where young people gathered to share their stories of incarceration and involvement with the justice system. Last Tuesday, over 60 young people came to the State House and to the Task Force meeting to make their message clear - Long Creek is causing extreme harm to young people and their communities and must be closed. For too long, Long Creek has been used as a tool to control and harm young people. It has taken away our youth's liberties, their freedom, and their communities. All you have to do is look at the deaths and ongoing violence inside Long Creek and long after young people leave those walls to see how this system is failing us.

As Clinton Lacey spoke to the Juvenile Justice Task Force in November, "We need a new vision for youth justice, one with love as its organizing principle that defines healing, restoration and renewal as its core objectives." We are asking for this committee to listen to young people and create legislation with a plan for the closure of Long Creek by 2022, a plan for the reinvestment of the \$18 million dollars currently being spent to incarcerate young people, and a plan to reassign responsibility for youth justice to a new agency by 2021. Creating an advisory panel of justice involved youth is fine. However, that doesn't excuse this body from listening to what youth have been calling for years - closure of Long Creek and reinvestment into community.



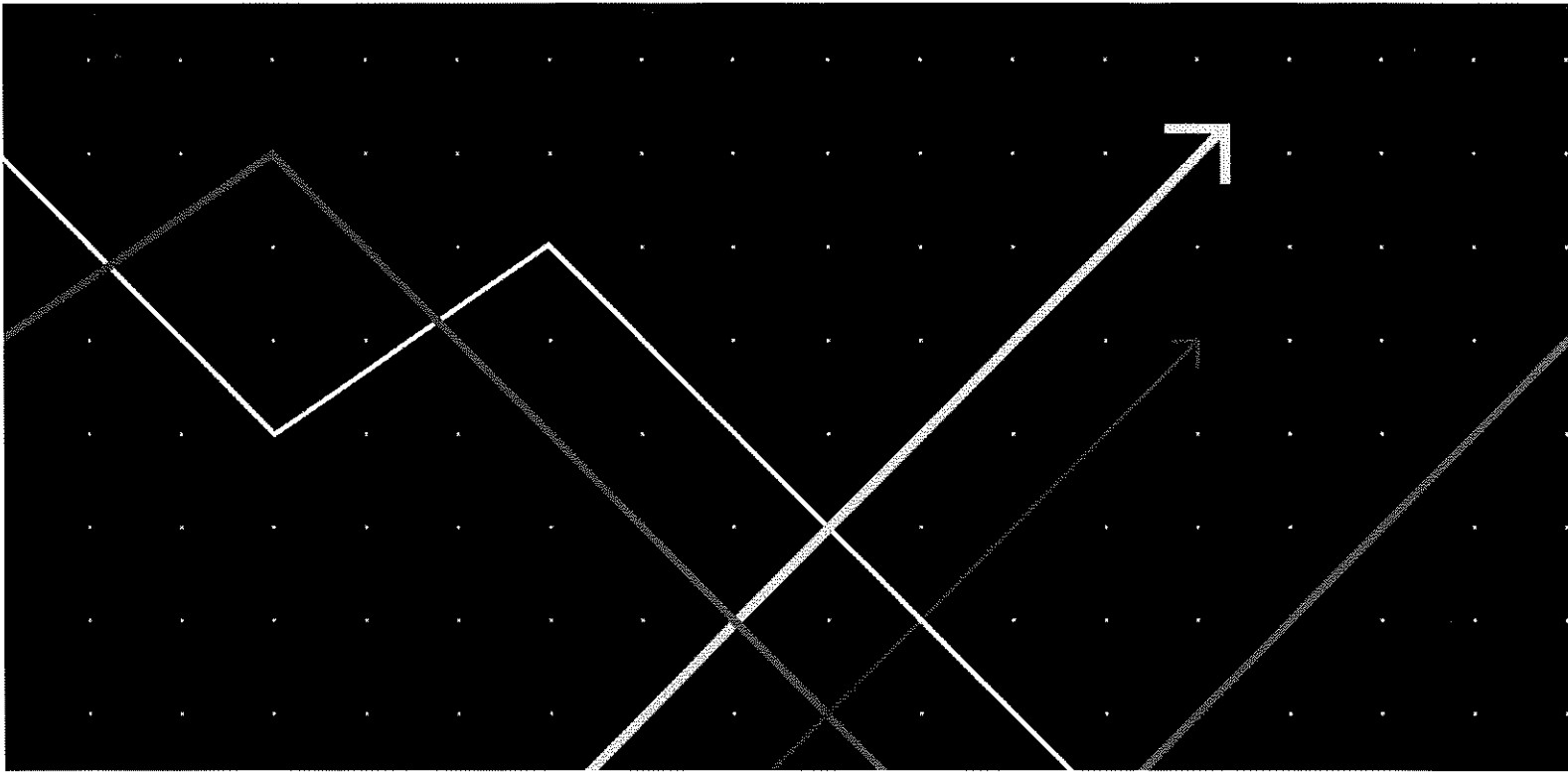
MYJ opposes giving the Department of Corrections additional control over our communities. The DOC is not the appropriate agency to administer community investment funds or to oversee the creation of new community-based programs for youth and families. Corrections has failed to deliver justice for young people or show they have the ability to administer funds in a way that promotes healing and transformation. The Center for Children's Law and Policy recommendations also confirmed the DOC shouldn't be the agency responsible for youth justice.

We recommend the creation of a grantmaking intermediary to support community investment. The Colorado WAGEES program is a great example of a justice reinvestment program that directs money from the Department of Corrections to the Latino Coalition for Community Leadership who is responsible for selecting community partners, distributing funds, and tracking performance metrics. The full report on WAGEES is attached. The results of this program were incredible; community partners who were not working together were able to build sustainable relationships that increased their ability to serve youth.

Section 2 of this legislation takes a step towards ending youth incarceration by attempting to create benchmarks of decreasing the amount of youth that we lock into cages. However, it fails to capture or codify the accountability that the Department of Corrections must take to reach these benchmarks. Maine's youth have been calling for a plan for closure of the facility by 2022 that includes a plan for reinvestment of the funds currently going to operate that the prison. The benchmarks provide no accountability to the DOC nor a mandate to create a plan for closure.

Maine Youth Justice strongly opposes Section 5 of this bill. Under no circumstances should there be reports on new detention facilities until there is a plan for closure of Long Creek. We must invest in communities across the state that have seen mass disinvestment from housing to community revitalization projects. Young people are calling for job training, counseling, and genuine relationships with caring adults. Not additional cages.

Maine Youth Justice encourages this committee to listen to the communities most impacted by the harms of youth incarceration. They have the answers and it begins with a plan to close Long Creek and investment into a continuum of care.



RESEARCH REPORT

# Investing Justice Resources to Address Community Needs

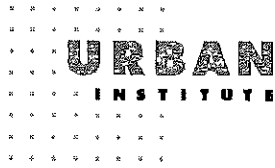
Lessons Learned from Colorado's Work and Gain Education  
and Employment Skills (WAGEES) Program

*Chelsea Thomson*  
February 2018

*Leah Sakala*

*Ryan King*

*Samantha Harvell*



## ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

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The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute's funding principles is available at [www.urban.org/aboutus/our-funding/funding-principles](http://www.urban.org/aboutus/our-funding/funding-principles).

Over the past several months, a wide array of people and organizations committed time and resources to discuss the lessons learned and challenges faced in the Work and Gain Education and Employment Skills (WAGEES) program. Urban thanks the WAGEES program grantees, the Colorado Criminal Justice Reform Coalition, the Latino Coalition for Community Leadership, the Colorado Department of Corrections, state officials, and other stakeholders for your insights, thoughtful feedback, and ongoing dedication to this field as well as our colleagues Nancy La Vigne, Jesse Jannetta, and Julia Durnan for your support and feedback during this process.

# Investing Justice Resources to Address Community Needs

The US criminal justice landscape has changed dramatically over the past decade, with more than half of the states taking steps to adopt evidence-based and cost-effective approaches to sentencing and corrections policies and practices (Harvell et al. 2016). These criminal justice reforms carry the promise of reducing the number of people under correctional supervision and helping to control skyrocketing costs, all while protecting public safety. Frequently, these reforms are accompanied by an up-front investment or a reinvestment of savings into “smart on crime” policies (Harvell et al. 2016). This investment process is a prime opportunity to identify public safety priorities and match resources to need.

Far too often, public safety investments focus narrowly on policing and incarceration strategies, which are not necessarily aligned with community needs and may, in fact, contribute to existing disadvantage and instability. In some communities, states are spending millions of dollars annually to arrest and incarcerate people.<sup>1</sup> However, the communities with the highest incarceration rates are often those most in need of resources for health care, housing, economic development, and social services (Petteruti et al. 2015). Not only does this narrow traditional spending approach fail to adequately address basic public needs related to health and safety, but evidence suggests that it can make these problems worse. Overusing incarceration, particularly when it is concentrated in certain communities, disrupts and destabilizes these communities by cycling people in and out of the criminal justice system and can result in an *increase* in crime rates (Rose and Clear 1998).

In contrast, neighborhoods are safer and experience less crime when residents are engaged in their communities and able to work together toward shared goals (Kubrin and Wo 2015; Sampson, Raudenbush, and Earls 1997). Research shows that local, community-based organizations play a key role in providing services and facilitating engagement that strengthens neighborhoods (Lin 1999; Putnam 1993; Sampson and Groves 1989). In practice, though, these local organizations are often underresourced and excluded from public safety funding.

Although still in their nascent stages, there are emerging efforts to support community-based reinvestment that channel public resources or savings from policy reforms to community organizations. Collaborating with community members and organizations to develop public safety strategies ensures that those directly impacted have a voice in the process and can advocate for priority concerns. Initiatives to collaboratively advance public safety goals are diverse and include crime prevention



programs, services for people who have experienced victimization, services that connect people with social safety net programs, diversion and treatment services, reentry support, and neighborhood economic development. Early results from innovative models are promising (see Jannetta et al. 2014; Rice and Lee 2015).

One particularly innovative example is the Work and Gain Education and Employment Skills (WAGEES) program in Colorado. The program sets aside state resources for grants to community-led organizations that provide direct services to a local client base of formerly incarcerated people who are navigating the reentry process. WAGEES is a leading example of a state department of corrections directly investing in and partnering with community providers, many of which are led by people with firsthand experience in the justice system.

This report provides an overview of Colorado's community investment model and summarizes considerations and lessons learned from the WAGEES program. Understanding the program's challenges and successes can help other jurisdictions learn from the model and use it to inform their own efforts to boost and leverage community capacity to improve public safety and well-being. Key lessons learned include the following:

- Developing relationships with affected communities, community partners, state agencies, and other key stakeholders is time and resource intensive but is instrumental to building a foundation for collaboration and trust. Peer-to-peer learning and frequent communication can help foster these relationships.
- Community partners that reflect the people they serve through experience, location, and service priorities are best positioned to deliver services and provide guidance for resource allocation and support.
- The role of intermediaries is crucial, as they serve as a liaison and translator between state agencies and community partners to develop a coordinated initiative while providing capacity building and accountability.

---

## BOX 1

### Key Players

- **Colorado Department of Corrections (CDOC):** The key government agency engaging in the WAGEES program to connect people returning from incarceration to services in their community that encourage stability and successful outcomes.
  - **Colorado Criminal Justice Reform Coalition (CCJRC):** A local nonprofit organization that seeks to eliminate the overuse of incarceration and invest in comprehensive strategies to advance community safety and health.
  - **Latino Coalition for Community Leadership (LCCL):** A national intermediary providing technical assistance to grantees receiving state funding, including assistance with relationship building, financial and data reporting, and information sharing.
  - **WAGEES community partners:** A group of several community- and faith-based organizations funded in part by the WAGEES program that provide a wide array of services to community members, including people returning from incarceration. Staff at the community partners, many of whom have direct and relevant life experience that informs their service provision, provide training and skills development to the WAGEES client population. Additionally, they leverage partnerships in the community to access goods and services that meet the target population's needs (e.g., jobs, housing, and basic goods). For more information on the community partners, see appendix A.
- 

## The Colorado Experience

On March 19, 2013, Tom Clements, the executive director of the Colorado Department of Corrections (CDOC), was murdered in his home by a person who had been released to parole supervision. This tragic incident represented a crucial turning point for state leadership. Executive Director Clements had come to Colorado from Missouri to implement a reform agenda in corrections policy. Colorado leadership and legislators initially contemplated reactive and punitive measures to reduce the likelihood of a similar tragedy. But a local nonprofit organization, the Colorado Criminal Justice Reform Coalition (CCJRC), and several community reentry organizations saw an opportunity to continue the reform work started by Executive Director Clements. Through information sharing, organized site visits to nonprofit organizations, and advocacy on successful reentry strategies, CCJRC garnered enough support in the legislature to enact reforms. This shift to focus on support and rehabilitation would require a large culture change among both staff and justice-involved people. CCJRC worked to highlight the importance and impact of community-led public safety strategies and to ensure budget priorities included this piece of the reentry puzzle.

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BOX 2

### Methodology

The Urban Institute (Urban) collected information for this report using the following methods:

- a document review of quarterly progress reports from LCCL and the community partners, memos from CCJRC, and state legislation and associated fiscal impact notes;
- semistructured interviews with 29 CDOC staff members, legislators, key staff from the community partners, and other stakeholders in various states and jurisdictions to discuss their role, their state's experience with the reinvestment model, and the successes and challenges they experienced; and
- visits with six of the seven WAGEES community partners in Colorado,<sup>a</sup> which included interviews with key staff at each community partner site, observation of a quarterly meeting attended by community partners and key state agency staff, and a visit to the Division of Adult Parole Reentry Services.

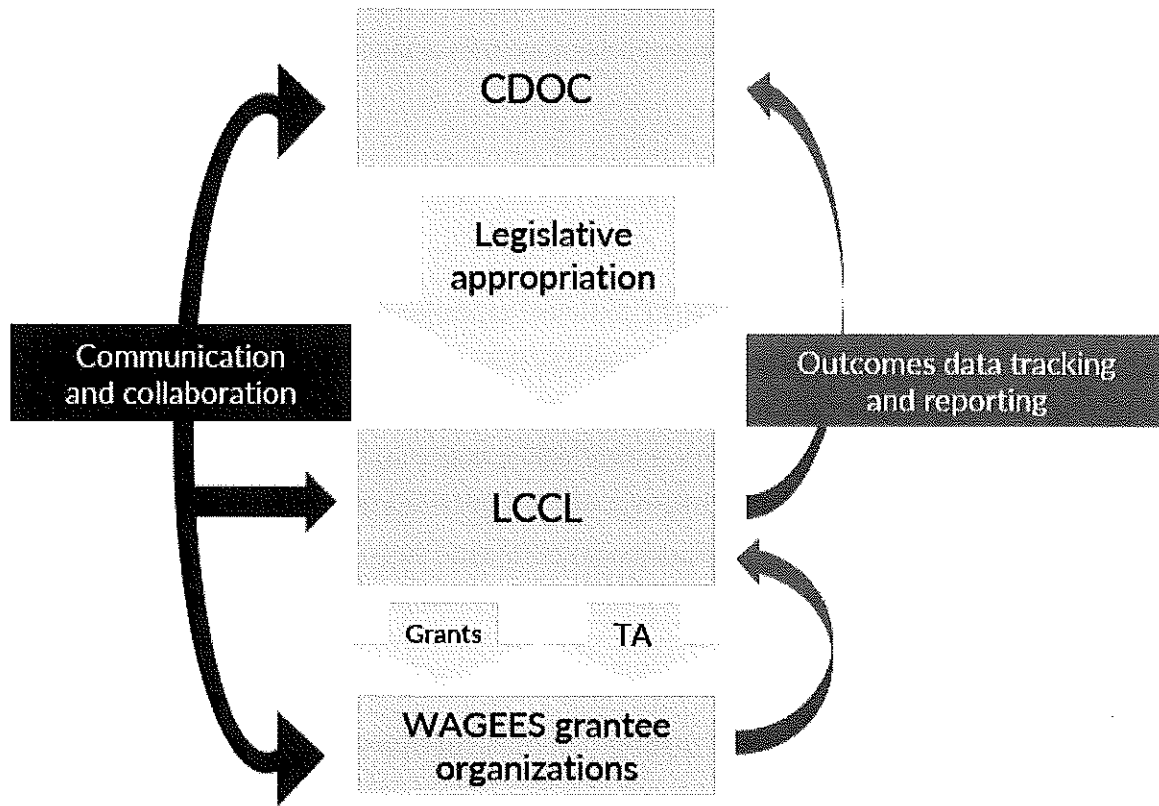
<sup>a</sup> This report reflects the experiences of the seven community partners engaged in the WAGEES grant program as of May 2017. A full list of community partners engaged with the grant program at some point from its inception to present day can be found in appendix A.

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## Colorado Engages the Community as a Partner in Protecting Public Safety

In 2014, the legislature passed HB14-1355. Among its other reforms, the law created a reentry grant program within the CDOC, the Work and Gain Education and Employment Skills (WAGEES) program, to provide funding to community-based organizations that support people returning from incarceration. Seven community-based organizations, the WAGEES community partners, were selected through a competitive process to provide a wide array of reentry services at eight sites throughout the state.<sup>2</sup> These community partners vary in funding amount, staff size, client population needs and size, and the number of years they have been working in the community and with the reentry population.

FIGURE 1  
**Understanding the WAGEES Model**



Source: Urban developed this model based on a concept provided by the Colorado Criminal Justice Reform Coalition and our conversations with state partners.

As outlined in legislation, the **WAGEES** program’s goals are to improve reentry outcomes by establishing a grant program to support community-based organizations that provide services to people returning from incarceration.<sup>3</sup> Although the **WAGEES** program focuses on employment and education services, the community partners offer a variety of services that clients can access while participating in the program.

The program is available to people currently on parole who are assessed by the CDOC Division of Adult Parole as being at medium or high risk to recidivate. People returning from incarceration via parole can join the program through a referral by CDOC or their parole officer or by opting into the program by reaching out to a community partner directly. If a person independently opts into the program, the community partner coordinates with the CDOC to determine if the person is eligible for participation (i.e., has been assessed as medium or high risk). Community partners conduct outreach and recruitment through their community networks, relying on open houses, word of mouth, and so on,

and also hold orientation and recruitment meetings in the prison. In collaboration with the parole officer, the community partner will develop a case plan for each person based on his or her specific needs. The intermediary organization, the Latino Coalition for Community Leadership (LCCL), provides technical assistance and support to enhance collaboration and communication between community partners and state stakeholders.

## **Establishing a Funding Mechanism**

The WAGEES program began in January 2015, and initial legislation provided funding for three years. Similar to various resource allocation strategies used by states that participated in the Justice Reinvestment Initiative (JRI), Colorado stakeholders shifted funds within the CDOC's budget. The WAGEES program started with \$1 million in annual funding beginning in fiscal year 2015 (the 2014 legislative session), with \$710,000 added during fiscal year 2016 (the 2015 legislative session) for a \$1,710,000 annual allocation.<sup>4</sup> Once legislation was enacted and the community partners were selected, funding was disbursed on a cost-reimbursable basis as outlined in the legislation.

## **Providing Oversight and Support through an Intermediary**

Colorado selected LCCL to serve as a grantmaking intermediary, providing administrative oversight as well as leadership, resources, and capacity-building skills to help WAGEES partners meet the needs of their communities. The intermediary role was important to the launch of the program because the CDOC was not in a position to provide this support. LCCL provides guidance for WAGEES community partners and serves as a hub for information and services. Their key responsibilities include

- selecting community-based partners,
- disbursing funds,
- developing and administering program and fiscal data collection systems,
- tracking performance metrics, and
- coordinating the relationships between the CDOC and the community partners.

LCCL staff conduct regularly scheduled site visits to grantees twice a month to provide feedback on performance management, coordinate communication and services between community partners and

CDOC stakeholders, identify and address gaps in services, and train staff in program and fiscal matters. Every quarter, LCCL gathers all WAGEES community partners together to discuss challenges, solutions, and success stories and to share insights and information that shape the program's evolution. These convenings, along with one-on-one meetings and assistance, help the WAGEES community partners learn about and implement evidence-based or promising programming. A key component of LCCL's intermediary approach is maintaining high performance standards while meeting grantees where they are and fostering growth and continuous improvement, rather than imposing a rigid top-down model for all community partners to follow.

LCCL also provides technical assistance to the WAGEES community partners to increase their capacity and efficiency. Some of the community partners are newly established organizations and may have limited capacity. For some community partners, LCCL helps set up entire business systems to ensure they avoid the difficulties that smaller and newer organizations often face. These include business management and payroll system issues, communication challenges, knowledge and skill gaps, and cash flow problems. LCCL also works with WAGEES community partners to sustain employment/retention rates and offers assistance with grant applications, data reporting, housing placements, and developing strategies to reduce recidivism. LCCL works closely with the community partners to track client outcomes and compile performance metrics. As a steward for state funding, LCCL can end a partner's participation in the program if there are ongoing problems or if poor performance inhibits the expected return on investment.

LCCL designed a custom data collection system, Apricot, available to all community partners at little cost, to allow them to leverage successful outcomes and identify problems. The organization provides extensive training and real-time technical assistance to WAGEES community partners to address data collection or reporting issues as they arise. LCCL also works closely with the CDOC to ensure grant participation is accessible for the smaller WAGEES community partners and that reporting requirements are not overly burdensome.

As the program evolves to match the needs of the community partners, so does its infrastructure. To reflect the growth and emerging needs of the WAGEES partners, LCCL is developing a new system to capitalize on the progress of the program and provide community partners with a data platform that is not cost prohibitive to use. *CaseMGR* will track probation data and include additional fields to enhance the partners' capacity to more comprehensively measure outcomes.

## Empowering Communities to Advance Local Public Safety Strategies

The community partners receiving WAGEES funding are diverse in their approach to service provision, structure, and staff, but one unifying factor is that they are local organizations based in the communities they serve. The diversity among organizations is a strength of the program, as it provides the community partners the opportunity to offer unique and complementary services to best meet clients' needs.

A key component of WAGEES is employment as a stepping stone back into the community, and a handful of community partners employ people directly through various social enterprises. For example, some people work in a kitchen or food truck, and others build furniture or maintain outdoor trail systems. Some community partners work with local businesses, such as catering or logging companies, to employ people who participate in the program. Community partners can vouch for their clients and provide references for potential employers. Similarly, some provide housing for clients who, in turn, pay rent to help cover expenses. These opportunities help people build a credit or rental history to assist them in getting back on their feet.

## The Promise of Community-Based Reinvestment

WAGEES was implemented in early 2015 and has demonstrated promising initial results. As a program requirement, all community partners must report various metrics to measure outcomes. These metrics include enrollment numbers, employment placement and retention, credential attainment, and recidivism rates during program participation. A major success of the program has been overenrollment in every reported quarter. This demonstrates healthy demand but also puts stress on limited resources. Despite heavy enrollment and a concentrated population of people at high risk of reoffending, only 2.5 percent of WAGEES program beneficiaries have returned to prison for committing new crimes while in the program in the more than two years since the program began. Fifteen percent have returned to prison when including technical violations.<sup>5</sup> Table 1 summarizes the cumulative performance measures for WAGEES through September 30, 2017.<sup>6</sup>

TABLE 1  
**Key Performance Measures as of September 30, 2017**

| <b>Performance measure</b> | <b>Goal</b>         | <b>Actual</b>   | <b>Description</b>   |
|----------------------------|---------------------|-----------------|--|
| Enrollment rate            | 100%<br>N=1,248     | 150%<br>N=1,870 | Cumulative number of people enrolled in the WAGEES program.  |
| Placement rate             | 60% of participants | 63%<br>N=1,176  | Cumulative number of participants placed in employment, occupational skills training, postsecondary education, and high school diploma/GED classes.  |
| Employment retention rate  | 50% of participants | 62%<br>N=581    | Cumulative number of participants eligible for employment verified as employed.  |
| Credential attainment rate | 50% of participants | 76%<br><br>72%  | Cumulative number of participants who participated in a credential program and attained a credential.<br><br>Cumulative number of participants who participated in an occupational training program and attained a credential. Postsecondary education and GEDs take a very long time to complete, which can lower the overall percentage. |

## The Pathway to Success

The CDOC and the community partners worked together to make the WAGEES program successful for the state, its clients, and their communities by enhancing public safety and improving the reentry experience for people returning from incarceration. Some of the keys to success in this model include partnerships within the community and government agencies, building support and a constituency for the program, knowledge sharing, flexibility, strategic funding allocations, and building a network for services and support.

### Partnering with Affected Communities

A unique factor of the program is the full integration of each community partner into the neighborhood they serve. Although these community partners define themselves as “community based,” the exact definitions often vary. A community is not solely defined by geography and can also include cultural communities. WAGEES partners strengthen their communities by fulfilling a need, which could be geographically, temporally, or culturally specific.

Additionally, many of the community partners are led and staffed by people with firsthand criminal justice experience, some at the executive director or founder level. Many WAGEES community partners noted that their strong connection with the target client population helps them effectively deliver



services; as one provider observed, “We are them and they are us.”<sup>7</sup> These are not organizations that “parachute” into a community; they are people who are dedicated to serving their neighbors. Engaging people with lived experience in service provision provides an opportunity to leverage that expertise and increases client buy-in. By integrating formerly incarcerated people into their staff, community partners are “role modeling possibilities” for those they serve by showing the opportunities available to them.<sup>8</sup>

## **Building Support for Investment**

Stakeholders’ strategic use of informational site visits, relationship building, reentry reform champions, and organizational partnerships contributed to the WAGEES program’s encouraging early results. CCJRC played a pivotal role in garnering support for the legislation. CCJRC staff not only provided policy expertise during the legislative session, they also drew on a strong network of community-based partners to highlight the critical work already going on in the community. At first, CCJRC staff were met with resistance to change and hesitation to fund organizations outside the formal criminal justice system. To overcome this resistance, CCJRC invited key legislators and CDOC stakeholders to visit the community partners and observe their work and the services they provide. Allowing stakeholders to witness the transformative work of the community partners helped secure their buy-in and made it easier for them to champion the program.

Once the WAGEES program was funded and established, the community partners deepened stakeholder engagement by hosting open houses, celebrations, and community nights. Partners opened their doors to community members and parole officers alike to encourage them to learn more about their work. Partners also encouraged their clients to participate in volunteer activities to build relationships with their neighbors. Not only was this outreach key to garnering support at the front end of the process, stakeholders agree this outreach and engagement must continue moving forward.

## **Developing a Collaborative Partnership with CDOC**

WAGEES brought CDOC staff, parole officers, and community partners together for the first time for a coordinated effort of this scale. Thus, a key component of its success was close collaboration between the community partners, the intermediary, and the CDOC. It was critical for the CDOC, especially parole officers, to trust the community partners, and vice versa, and for all parties to be seen as collaborators working toward the same goal.

Many of the community partners worked with justice-involved populations before WAGEES was launched but did not have experience working directly with parole officers or the CDOC. Initially, there was skepticism on both sides, a lack of support and trust between actors, and in some cases, overt resistance to the new grant program. Some parole officers had concerns about the services offered, and a few feared they would lose their jobs and be replaced by WAGEES community partners that were providing services for people returning from incarceration. To address some of these concerns, LCCL, the community partners, CDOC community reentry staff, and parole officers regularly met to review cases, communicate and coordinate resources, and share expertise.

Key to this new partnership was identifying and solidifying the complementary roles that the CDOC and WAGEES community partners could play in reentry. As the program developed, parole officers began to see the community partners as collaborators with valuable perspectives. The CDOC recognized that it could rely on WAGEES community partners as resources to fill service gaps and work toward the same goals. As part of their collaborative relationship, some community partners began to run the orientation meetings at the parole offices, providing perspectives and service offerings to people returning from incarceration. This relationship and mutual respect allows for a “warm handoff” from correctional officers to the community partners to ensure clients receive the support, services, and treatment they need.

LCCL provides credibility and capacity for WAGEES community partners and serves as a liaison and translator between the partners and the CDOC. The organization builds trust and garners support across state agencies and partner staff. Both partners and CDOC staff noted that the program most likely would not have been as successful without an intermediary to help define roles, build trust, engage multiple actors throughout the social service sector, and provide technical assistance. One example of this trust and support between community partners and the CDOC was an arrangement that allowed staff who had previously been incarcerated and were not under supervision to frequently enter correctional facilities, provide program orientation, and recruit people to participate. This was an exception to CDOC policies, and staff noted that this peer-to-peer outreach arrangement has not been allowed in any other cases.

## **Connecting the Dots between Community Partners and Building a Community of Practice**

Many of the community partners were not working together—or even aware of one another—until the WAGEES program was developed. As outlined in appendix A, the community partners vary in the

populations they serve, the services they provide, and their geographic location. With limited resources and large caseloads, the siloed nature of the social service landscape constituted a missed opportunity for collaboration. WAGEES helps fill this gap by enhancing communication and coordination within the social service sector and improving service provision. Community partners benefit, both in the number of referrals received and the increased communication and collaboration, from knowing the other service providers in the state. The CDOC and other state agencies also experience collateral benefits from this relationship. As CDOC staff engaged with the partners and began to understand the unique programs they offer, they learned to refer people leaving incarceration to community partners best positioned to serve their needs, reinforcing a cycle of culture change within the department. The WAGEES program creates a foundation for community partners to more effectively collaborate with the CDOC. The program helps ensure that people receive the tailored treatment and programming that will help them succeed.

The WAGEES program model has also helped facilitate a community of practice in which partners learn from one another and lean on each other in times of need. Each partner has an opportunity to find its niche within the broader social service provider landscape while capitalizing on the resources that other WAGEES partners provide (and making referrals as appropriate). Staff share information across organizations and can refer clients to partners who provide services they do not offer. The quarterly meetings are also an opportunity for community partners to engage in peer-to-peer learning. This collaborative relationship protects the WAGEES community partners from feeling that their resources are at risk because of competition with other service organizations and encourages collaboration when facing challenges.

## **Ensuring Flexibility**

The legislation that established the WAGEES program built in flexibility for the program to evolve based on the needs of the target population. This flexibility affords LCCL the discretion to make decisions about program management. LCCL troubleshoots with grantees to improve performance and build capacity and requires grantees to meet target goals to continue participation. The program's flexibility allows community partners to be more culturally sensitive and gives clients the chance to provide input on the best programming options. The program also encourages innovation in service delivery models and gives partners leeway to correct course when new strategies are not effective.

Clients choose to participate in WAGEES, a reflection of its community-based approach and "we are them, they are us" motto. This opt-in model ensures the relationship between people returning from

incarceration and the community partners is collaborative and adaptive, rather than adversarial and static. Although mandatory participation could add an element of enforcement that would reach a larger population, such an approach would be counter to the underlying tenets of the program.

## **Providing Strategic Funding Allocations**

Just as the community-based programming is tailored for each participant, the level of funding in each WAGEES grant is customized to match the capacity and need of each community partner. The WAGEES model is designed so funding allocations meet the needs of—but do not overwhelm—the partners, all of which are small, community-based organizations. The grants are sizable in relation to the typical funding streams the community partners receive, providing the opportunity to build and staff responsive programs. As stewards of public dollars, community partners receive manageable yet impactful grants and benefit from LCCL's fiscal management oversight and support. Having a reliable, ongoing source of adequate funding provides stability for the community partners to offer uninterrupted services that are matched to individual client needs.

## **Barriers to Implementation**

As with any new program, WAGEES stakeholders and community partners have experienced challenges and hurdles related to implementation. Some of these challenges include funding delays and issues with communication, collaboration, participation in the program, data collection, service provision, and documentation. Community partners and stakeholders work together to overcome these barriers through collaborative problem-solving.

### **Funding Stream Delays**

As a new program, the WAGEES reimbursement funding structure presented some challenges during the first several months of implementation. Statutory language prevented the grant funds from being disbursed as an up-front payment or directly to LCCL, a process that would have provided more timely reimbursements. Some community partners had funding reserves or other alternative sources, such as business income or other grants, to supplement their WAGEES funding, but others were solely funded by WAGEES resources. In some cases, partners needed to take out loans or remortgage their own

houses for capital until reimbursement was received. Even with other sources of funding, it was difficult for some WAGEES community partners to raise the up-front capital needed to provide services to their clients. But as the program evolved, LCCL worked with the CDOC and the community partners to streamline the process and ensure quick processing and timely reimbursement. Although larger, more established organizations with larger reserves may not have faced these financial hurdles had they been selected as partners, Colorado stakeholders determined it was important to select partners engaged locally in their communities. In the sunset review of the WAGEES program, the Department of Regulatory Agencies recommended the CDOC “release up to one-quarter of grant funds to community partners at the beginning of the fiscal year,” which will provide partners with necessary up-front capital (Colorado Department of Regulatory Agencies 2017, 21).

### **Messaging and Communicating to the Community at Large to Address Stigmatization of the Client Population**

As community-based organizations, WAGEES partners live in the neighborhoods they serve and must be sensitive to how their work and client base is perceived. Some community members are not open to the idea of having previously incarcerated people, especially those convicted of violent or sex offenses, in their neighborhood. This leaves the community partners in a challenging situation, and they must balance providing space and services for people reentering the community with the needs and views of community members. Some community members do not appreciate the need for vital reentry services to support people transitioning out of prison. And although some community members may understand the value of this work, they may also have concerns about crime and other disruption. As such, some partners were hesitant to publicize their work or the people they serve, realizing the community may not be accepting of their services. To try to overcome this hurdle and stigmatization, some hold community events to help people understand the work being carried out, and others offer clients opportunities to engage in volunteer work to help the larger community.

### **Providing for People Who Self-Select into the Program**

Although stakeholders view the voluntary nature of the WAGEES program as a positive and essential component of the model, it does limit the pool of potential clients and the partners' ability to ensure compliance with program requirements. As noted above, parole officers can refer people to WAGEES partners or people can opt in themselves; either way, participation in the program is strictly voluntary.

Once people are released from prison and referred to the program, it is their responsibility to visit the community partner, sign up for the program, and follow the service plan. Partner staff and parole officers work together to encourage people to follow through with programming, but there are no penalties for not participating.

## **Overcoming Gaps in Housing Provision**

Colorado is facing a lack of affordable housing, which makes it difficult for people, especially those returning from incarceration, to find a place to live. Some partners provide housing in the building where services are provided, similar to a dormitory. Others rent entire houses for clients to live in and manage. But in some cases, there are no housing options available for their clients, presenting a major barrier to longer-term stability. Even for community partners that do have housing options, there often is not enough space for all their clients. To provide a little support and stability, some community partners offer emergency assistance to fund shelter fees and, in some instances, short-term hotel stays of one or two weeks. This assistance is useful to people who have just returned from incarceration but does not contribute to sustained stability.

## **Using Data Systems and Reaching Performance Metrics Goals**

WAGEES community partners are required to collect, input, and report data on a set of metrics in order to receive funding. Although performance reporting is critical for program oversight, some partners had no experience collecting data and reported challenges using Apricot. LCCL provides technical assistance to partners to simplify processes, prepare and analyze data, and support and train staff to ensure unified and timely reporting. LCCL teaches community partners how to use the data to improve service provision, increasing data fidelity and grantee buy-in. These metrics are also used to flag issues that need to be addressed. For example, one issue uncovered by the data reporting system was a lack of CDOC referrals to some community partners. To ensure that partners were not missing opportunities to be matched with clients who would benefit from their services, LCCL worked with CDOC staff to understand the reason behind the lack of referrals and monitored the metrics to ensure the numbers increased.

## Documenting Long-Term Success

All programs, especially newly established ones, struggle to document and disseminate success, making it difficult to build the case for continued support and funding. WAGEES requires partners to collect and report on a limited range of key metrics to ensure that grantees are accountable for their outcomes. Community partners can often see the impact of the services they provide firsthand, but they find it hard to capture individual success stories in high-level data to communicate the importance and impact of the program to stakeholders.

Community partners offer a long list of services to deliver wraparound support and conduct regular check-ins with clients to ensure stability. Because of the high demand for services that exceeds their current capacity, it is difficult for case managers to continue checking in with clients after they complete programming or discontinue program participation. WAGEES grantees can provide an initial support system for people returning from prison, but if clients no longer want to participate after their immediate needs are met, staff have no mechanism to support their long-term success.

Stability and recidivism reduction are key components of the program, but they cannot be measured comprehensively because data are not collected once someone ends their participation in the program. This logistical hurdle is one of the challenges WAGEES community partners face when trying to document and report on success across the system. To help address this data gap, the CDOC is exploring ways to link WAGEES and state data to allow analysts to examine long-term outcomes, such as arrests or returns to prison for a new crime or technical violations, once someone completes the program.

## Next Steps for Colorado: The Crime Prevention Initiative

Drawing on the support and promising start of WAGEES, in 2017, CCJRC helped develop and support the passage of HB17-1326, the Justice Reinvestment Crime Prevention Initiative, to reinvest savings from criminal justice reforms to fund community-based crime prevention strategies.<sup>9</sup> The legislation is twofold: (1) enacting parole reforms and (2) establishing a new grant program and a small-business lending program to improve quality of life, safety, and opportunity in two neighborhoods that have historically experienced higher rates of crime and criminal justice system involvement.

As a first step, the legislation imposes a revocation cap for some offenses, which limits the number of days a person on parole may be reincarcerated for a technical violation. As a result of the reforms and the discontinuation of an ineffective parole program, the state projected annual savings in the prison

budget of \$6,628,401.<sup>10</sup> The second piece of the legislation establishes a Justice Reinvestment Crime Prevention Initiative in the Department of Local Affairs. The department will partner with a community foundation and several community development financial institutions to fund pilot crime prevention initiatives in two communities: North Aurora and Southeast Colorado Springs. The financial institutions will provide small-business lending in those communities. On the programmatic side, the community foundation will serve as the intermediary for a new grant program that establishes local planning teams to develop crime prevention priorities. Strategies will be determined by the teams and can include improving academic achievement, providing direct services, increasing the use of outdoor and common spaces, and other priorities. Because community members are intimately involved with the needs of their communities, they provide unique perspective concerning the strategies that will have a crime prevention benefit. The community foundation is also responsible for contracting with a third-party evaluator. HB17-1326 is designed as a three-year pilot, and \$4 million a year will be appropriated. The savings realized from parole reforms will be appropriated to DOLA to carry out the grant and small-business lending programs. Although similar in nature to WAGEES in that it encourages the community to act as the driving force for the programs, the Crime Prevention Initiative goes beyond solutions that have been traditionally supported in the criminal justice space. The program will also foster strategies to prevent crime and address other problems the community prioritizes through noncriminal justice interventions.

## A New Vision for Public Safety Investment

Colorado's WAGEES program is an innovative justice reinvestment strategy that directs money from the CDOC to affected communities and empowers community partners to play a more active role in developing solutions to public safety problems. Although it is still in its early phases, this program model is promising and offers a number of lessons for other states interested in justice reinvestment to strengthen communities. WAGEES shows how expanding public safety investment to include community organizations can increase cooperation and collaboration among previously unconnected groups; develop a community of partners that share information, lessons learned, and challenges; and demonstrate the importance of incorporating a strong and experienced intermediary. Staff at the WAGEES community partners, many of whom have been directly involved in the justice system themselves, understand the unique needs of the clients they serve, and the program helps engage stakeholders, legislators, and community members to improve the reentry process.

Although the parties involved in WAGEES faced challenges during implementation, they built a trusting and collaborative relationship that facilitates problem-solving. As a testament to the success



and impact WAGEES has demonstrated, an October 2017 report recommended WAGEES be continued until 2023 (Colorado Department of Regulatory Agencies 2017). Challenges are to be expected with a new program, but they provide an opportunity to shape the program in a way that would be most beneficial to the clients and help them “not just reenter, but reintegrate” people exiting prison into the community.<sup>11</sup>

As jurisdictions across the country consider how to invest their public safety resources most effectively, WAGEES offers an example of the benefits of bringing community partners to the table in support of that goal. Community organizations reside in the neighborhoods they serve, building trust with local residents and offering opportunities for neighbors to help realize their strategies for better public safety. In addition, these organizations provide services that are critical to public safety but fall outside the traditional purview of law enforcement and corrections agencies, such as health care and behavioral health treatment, employment assistance, and trauma-informed case management. State and local governments can leverage and enhance local organizations' expertise, relationships, and capabilities by including them in public safety budget planning processes, providing funding to support their activities and engaging them as partners in addressing local needs.

# Appendix A. Descriptions of the WAGEES Community Partners

The following community- and faith-based grassroots organizations engaged in the WAGEES grant program at some point between its inception in January 2015 to present. All community partners closely collaborate with the Colorado Department of Corrections to provide reentry services. The services they provide in general, not just for the WAGEES program, as well as the total number of clients served as of September 30, 2017, are outlined below.

FIGURE A.1  
Locations of WAGEES Partners



**The Rock Foundation**  
Greeley, CO  
September 2015 to present  
Number of clients: 97

The Rock Foundation is a homegrown nonprofit providing services for people returning from incarceration. A unique part of the Rock Foundation is its two social enterprises that employ people to provide wages, prosocial mentoring, and a source of income to support the organization. These

businesses are a BBQ truck and furniture workshop. In addition to employment opportunities, the Rock Foundation also provides peer mentorship, group therapy, Moral Reconation Therapy, and employment preparation. It also provides housing for approximately 20 people.

**Community Re-Entry Place Inside/Out**

Fort Collins, Grand Junction, and Aurora, CO

<http://insideoutministry.net>

Fort Collins: September 2015 to September 2017

Grand Junction: September 2015 to July 2017

Aurora: September 2015 to September 2017

Number of clients: 303

Community Re-Entry Place Inside/Out (CRPIO) offers services in Fort Collins and Aurora specifically for formerly incarcerated people as a path toward reintegration into the community. It also partners with another faith-based organization in Grand Junction. CRPIO provides transitional housing as well as immediate needs such as identification and clothing, counseling, educational attainment services, transportation services, and behavioral health programs.

**Bridge House**

Boulder, CO

<https://boulderbridgehouse.org>

January 2015 to present

Number of clients: 43

The Bridge House is an organization providing people facing homelessness and poverty with housing, employment, and support services, and it recently began to carve out specific services for people returning from incarceration. The Bridge House was formed in 2012 and began providing transitional housing and started the Ready to Work program in 2015. Approximately a third of the beds available are for people returning from incarceration, but it provides the same services regardless of whether people are or are not returning from incarceration to encourage integration. Bridge House residents are employed up to 29 hours a week in one of its social enterprises providing supplemental sanitation and landscaping or culinary arts in the community.

**Servicios de la Raza**

Denver, CO

<http://serviciosdelaraza.org>

January 2015 to present

Number of clients: 236

Servicios de la Raza, formed in 1972, provides support services for community members, including employment services, HIV/AIDS services, services for survivors of domestic violence, and mental health

and substance use services. Additionally, it provides specific services for people returning from incarceration, but these people also have access to the wide array of other services. Servicios de la Raza aims to empower the community by providing educational employment services for participants and offering services to youth in the community.

**Christlife Ministries**

Pueblo and Colorado Springs, CO

<http://mychristlife.org>

Pueblo: January 2015 to present

Colorado Springs: July 2017 to present

Number of clients: 221

Christlife Ministries focuses its services on people returning from incarceration by providing wraparound support, Moral Reconciliation Therapy, Parents on a Mission, work readiness classes, life skills programs, Supplemental Security Income benefits support, vocational training, and therapy. It also offers housing to people to provide stability and support during reentry.

**Positive Impact Colorado**

Colorado Springs, CO

<http://positiveimpactco.org/>

September 2015 to June 2017

Number of clients: 138

Positive Impact was formed in 2005 as a response to the relocation of Hurricane Katrina survivors and has since provided services to people returning from incarceration. It provides education services and assistance, Moral Reconciliation Therapy, and employment services. The nonprofit also connects people to social safety net benefits and partners with a local workforce development center to provide employment opportunities.

**Second Chance Center**

Aurora, CO

<https://www.sccc Colorado.org>

January 2015 to present

Number of clients: 798

The Second Chance Center, started in 2012, provides cognitive restructuring, addiction counseling and support groups, mentoring, transportation, and employment preparation, among other services, to formerly incarcerated people. It provides client-centered support while engaging families to help reduce a person's likelihood to recidivate. Many staff members were previously incarcerated and can provide relevant experience to support people returning to the community.

**Junction Community Church**

Grand Junction, CO

<http://jctcc.net>

July 2017 to present

Number of clients: 17

Junction Community Church offers a variety of services to people returning from incarceration, such as education, training and employment assistance, housing assistance, access to food and clothing banks, and supportive services such as transportation and help obtaining identification.

**Homeless Gear**

Fort Collins, CO

<http://homelessgear.org>

September 2017 to present

Number of clients: 21

Homeless Gear is the lead agency facilitating collaboration among 17 independent community providers offering 38 programs and supports to people and families who are homeless or are at risk of becoming homeless. Collectively, organizations provide a wide variety of programs to help returning citizens meet their basic needs, including mail and laundry service, clothing, food, and housing assistance. This is in addition to services that help with entry to employment, such as training and education assistance and placement services.

# Appendix B. Key Findings

Colorado's experience with WAGEES illustrates one community partnership model that other jurisdictions can learn from. Key findings include the following:

- The role of an intermediary is crucial.
- Community partners should reflect the populations they serve.
- Local community advocacy organizations can be catalysts and create momentum for change.
- Building relationships across agencies, communities, and people most impacted by the criminal justice system is key to success.
- Sharing information across partners and within the community fosters shared goals and a culture of building knowledge.
- Each community has unique needs and, as such, programs should give community partners the opportunity to address those needs in a way best suited to the community.
- Funding should provide community partners with the resources and support to build capacity to meet the needs of the community.
- As the program reflects the community needs, funding should reflect the community partners' need for regular and timely payment because they are often organizations with smaller financial capacity.
- Engaging with the community at large through community events or open houses lets community partners message the program and services in a way best suited to their communities.
- Collecting and synthesizing relevant and useful data creates opportunities to demonstrate successful outcomes.
- Community partners are not able—and should not be expected—to provide every service a person needs upon reentry, but they should use the resources available to offer what services they can.

# Notes

<sup>1</sup> Laura Kurgan, Eric Cadora, David Reinfurt, Sarah Williams, and Leah Meisterlin, "Million Dollar Blocks," accessed January 10, 2018, <http://spatialinformationdesignlab.org/projects.php%3Fid%3D16>.

<sup>2</sup> This report reflects the experiences of the seven community partners engaged in the WAGEES grant program as of May 2017. A full list of community partners engaged with the program at some point from its inception to the publication of this report can be found in appendix A. After May 2017, two partners discontinued their participation. Two new organizations submitted proposals and were selected to provide services at those locations.

<sup>3</sup> H.B. 14-1355, 69th Gen Assemb., Reg. Sess. (Colo. 2014).

<sup>4</sup> "HB 14-1355 Final Fiscal Note," Colorado Legislative Council Staff, July 23, 2014, [http://www.leg.state.co.us/clics/clics2014a/csl.nsf/billcontainers/535B1BDD5BE99FC187257CA7005A703E/\\$FILE/HB1355\\_f1.pdf](http://www.leg.state.co.us/clics/clics2014a/csl.nsf/billcontainers/535B1BDD5BE99FC187257CA7005A703E/$FILE/HB1355_f1.pdf); "SB 15-124 Final Fiscal Note," Colorado Legislative Council Staff, October 13, 2015, [http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont3/0FBB07461F36BEFB87257DB10065DA22?Open&file=SB124\\_f1.pdf](http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont3/0FBB07461F36BEFB87257DB10065DA22?Open&file=SB124_f1.pdf).

<sup>5</sup> From LCCL quarterly progress report through September 30, 2017. Recidivism is only tracked while a participant is active in the program, and comparisons to the department's recidivism rate should not be made. As noted on page 16, the CDOC and LCCL are exploring ways to connect state and WAGEES partner data to examine longer-term outcomes.

<sup>6</sup> From LCCL quarterly progress report through June 30, 2017. Metrics used originally from the US Department of Labor Reentry Project.

<sup>7</sup> Interview with Hassan Latif, Second Chance Center executive director, May 19, 2017.

<sup>8</sup> Ibid.

<sup>9</sup> H.B. 17-1326, 71st Gen. Assemb., Reg. Sess. (Colo. 2017).

<sup>10</sup> Ibid.

<sup>11</sup> Conversation with a WAGEES community partner, May 2017.

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## STATEMENT OF INDEPENDENCE

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3/4/2020

To: Committee Members for Criminal Justice and Public Safety

From: Noah Bragg

Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Representative Warren, Senator Deschambault and members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Noah Bragg. I am a graduate of Bowdoin College and live in Portland. I am the Community Outreach Coordinator for Maine Inside Out and for the past three years have worked with young Mainers impacted by the criminal justice system, their families, and their communities. I am testifying neither for nor against LR 3255.

For the past three years, I have facilitated arts-based programming inside Long Creek Youth Development Center (LCYDC) and coordinated community reintegration groups in York, Cumberland, Androscoggin and Kennebec county. Young people transitioning home from LCYDC have a very hard time. They face barriers to employment, housing, education, and transportation. I would estimate 80 percent of our members are housing insecure, including those who've been out for over two years. Young people lose meaningful social relationships and struggle to reconnect with friends and support networks from before their incarceration. They've missed out on crucial adolescent experiences that support the transition to adulthood. There is no doubt that removing young people from their communities, locking them in a secure facility, and labeling them with a criminal record is harmful to them, their families and their community.

There are few trusted resources in these counties that support young people and their families. Access to resources often means interacting with systems, whether that means DOC, DHHS, or a network of social service and mental health organizations. Young people, especially those who've had traumatic experiences through OCFS or DOC, are hesitant to engage with these systems. I've often served as an intermediary, attending case management meetings, OCFS meetings, court dates, probation meetings, and more alongside our members as a trusted support. There is a disconnect between what young people need and how those resources are offered when impacted people are seen as clients or criminals, rather than experts on their situation.

Young people attend our meetings for support and a consistent community to check-in with, among peers who understand what they've been through. They also attend to use art and their personal experiences to create the change they want to see in their community. Everything I know about the criminal justice system and what communities need, I've learned from young people sharing their experiences with me. Impacted young people and their families know what their communities are missing and what their communities need more intimately than any organization, agency or system. And, with very limited resources and in the midst of crisis, they are making it happen: young people pool money together for food and gas, sleep on each other's couches, connect each other with job leads, give each other rides, and show up for each other during crisis and tragedy. None of this work, that is keeping young people alive

every day, is publically funded. This is why impacted young people and their families, not the Department of Corrections, should decide how to spend community investment funds.

A Maine Inside Out member once told me, “there is no such thing as an unseen problem. There are only people who choose to look the other way.” I want to commend the Juvenile Justice Task Force for choosing to look at the problems and acting to address them. However, we cannot choose to ignore the solutions that are already there. It is a mistake to look at poor young people and their families impacted by incarceration as problems to be fixed by the state or by agencies. In fact, against insurmountable barriers young people have been supporting each other’s survival and creating the solutions every day. The expertise we need is already there. Let’s invest in them and their ideas. We can start by creating a concrete plan for the closure of Long Creek and a plan, created by front line communities, to reinvest \$18 million towards a thriving future for Maine children and their families.

**Testimony on LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force**

**Kelsey Park**

Good Afternoon Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee,

My name is Kelsey Park. I first want to thank you for acknowledging that we need to invest in Maine's communities if we want to say with any fidelity that we are investing in Maine's youth and families. I am the Youth Justice Director at the Restorative Justice Institute of Maine and a member of the Juvenile Restorative Justice Council. The Restorative Justice Institute of Maine has a youth justice diversion program that takes referrals in Oxford, Androsocoggin, Cumberland, and York Counties. We also do school based consulting, support restorative justice efforts in MSP led by currently incarcerated men, and do restorative justice work with survivors of sexual violence. The Juvenile Restorative Justice Council is a group of Restorative Justice Practitioners, folks from DOE, DOC, schools, DHHS, and Muskie, and community partners that formed out of recommendation made in the report *An Initiative to Develop a Sustainable Restorative Justice System* published in 2016. One of the current focal points of the group is to consider opportunities where our work intersects with the work coming out of the task force moving forward. All of that being said, I'm here as a community member today and am not speaking on behalf of either group. I think that many elements of the bill as are forward looking, but as many others have shared here today feel like there is much more to be done.

I have been doing restorative justice work in Maine for the past 5 years. During that time, I've seen young people take accountability for harm they caused and complete plans to repair the harm and prevent similar incidents from happening again in the future. I've supported young people in getting connected to additional resources based on their interests and unmet needs. The Restorative Justice approach provides an opportunity for individuals involved to exercise their voices and have agency in the healing and accountability process. This narrative of restorative justice is important because it clearly demonstrates that there are other approaches to addressing harm than simply going through the traditional court system. That being said, it is the rose colored glasses version of Restorative Justice. Restorative Justice void of a lens that recognizes power imbalances, inequity, and systemic oppression runs the risk of recreating some of the very issues we are sitting here today to try to address. This has happened in New Zealand where they systemically implemented Family Group Conferencing, a model very similar to Restorative Justice, in order to reduce systems involvement overall and reduce the disproportionate contact of Moari youth. But because the Moari people had minimal input in the design, implementation, and evaluation of the process, the overall number of systems involved youth decreased, but the disproportionality of Moari youth increased.

I raise this example because we run the risk of replicating and even exacerbating certain systemic harms if we do not seriously consider how power is distributed in determining funding allocations and program design, implementation, and evaluation. I know from multiple sources, that DOC is training juvenile and adult probation officers to facilitate restorative justice

processes. There are several problems with addressed in both the 2016 RJ report and the report just released by CCLP. From the 2016 Restorative Justice report it states: “[JCCOs] may sometimes participate in circles but preferably not run them due to their statutory authority and the power imbalance it creates.” Later in the report it states “it is clear that some JCCOs have both the capacity and interest in facilitating restorative programs. This should be avoided.” And in the CCLP report about why community based providers should be responsible for the work, “effective restorative justice processes require an atmosphere of trust and openness, and having a system stakeholder with significant decision making power often disrupts that dynamic, as family members may not be willing to share honest information about harms and challenges they have experience.”

My concerns around Restorative Justice are just one example of the larger tension at play here, namely, that if we are to invest in community based supports, we need to be having the hard conversation of who we are choosing to be the gatekeeper of funds, program outcomes, and evaluation. This concern extends beyond the development of Restorative Justice in Maine to other community based organizations doing advocacy and change work to address the root causes of harm and provide platforms for youth to build community and exercise their power.

My last point is that, yes, we absolutely need to focus on reducing detention and commitments and investing in community based supports, but we also need to be looking at what changes need to happen way ahead of that. We have a serious problem when I’m meeting with a 10-year-old in court that an SRO decided to charge for making a threat. After speaking with the young person, it turned out that they were really just struggling to make friends at a new school. This cannot be happening. When I speak to young people about the trauma they feel from being tackled, pepper sprayed, and tazed without legitimate justification, we have a systemic problem. When I watch a young person who hasn’t been in school for 2 years and is not receiving any social services be arrested during their first meeting with their JCCO, we have a systemic problem. And we don’t have any good avenues for systems accountability when these issues come up.

Maine has an immense amount of on the ground will power and know how. We need to leverage that by providing adequate funding, more autonomy, and examining what kinds of creative partnerships can happen among currently existing programs to address the gaps and issues addressed in the report.

Thank you for your consideration and I welcome any questions.

Maine Inside Out  
PO Box 15168  
Portland, Maine 04103

3/4/2020

To: Committee Members for Criminal Justice and Public Safety  
From: Margot Fine, Co-Director/Co-Founder Maine Inside Out  
Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Honorable Members of the Criminal Justice Committee:

My name is Margot Fine, and I am the Co-Director and Co-Founder of Maine Inside Out (MIO). MIO is a statewide non-profit organization formed in 2007. Our membership base is currently incarcerated and formerly incarcerated young people impacted by the criminal justice system, their families and communities. Our work in the last 10 years has included arts based and re-entry programming at Long Creek Youth Development Center in which we worked with over 300 young people incarcerated there, in various contract arrangements with the Department of Corrections. In the past five years, we have created and implemented arts based community reintegration programming in Androscoggin, York, Cumberland and Kennebec Counties. Our work in the community has been 100 percent community funded. *On behalf of MIO, I am testifying neither for nor against this bill and want to advocate for amendments to LR 3255 as a way to address our concerns with the bill.*

- 1. In Sec. 6. Appropriations and allocations, we would like to recommend that there be an intermediary who is not tied to the Department of Corrections or Department of Health and Human Services. We advocate for a group that could administer the funds with other community organizations who are responsible for selecting community partners, distributing funds, and tracking performance metrics.** The Maine Department of Corrections is not the appropriate agency to administer community reinvestment funds or to oversee the creation of new community-based programs for youth and families. It has been our experience as a non profit accountable to and led by our membership of incarcerated and formerly incarcerated people, that a contract with the DOC can be limiting and oppressive to the very people it is intended to serve.



2. **In Sec. 3. We urge an amendment to create an integrated team of stakeholders, including representatives of state agencies, community-based providers/advocates and community members with lived experience of youth incarceration to design a continuum of care for pilot communities.** Once we have a design for the continuum for a pilot community, we can apply the funding to implement the design. We must carefully design a continuum of care and then begin to distribute the money. This group would determine who gets the money based on the co-created design, and the funds would not be held solely within a system framework.
3. **We would like to propose adding language to Sec. 2. Benchmarks for reducing the number of detained and committed youths that calls for a plan to close the facility as well as removing Sec. 5. Reporting on possible site locations for secure, therapeutic residences for detained and committed youth.** Rep. Brennan's original bill LD 1108 states that it would "Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff..." Until the Department of Corrections has created a plan of closure of Long Creek, we would like to make sure that we as a state do not fund any additional detention centers for youth.

As a non-profit who has been working with reintegrating young people and their communities for more than ten years, we know that people closest to the issues are truly best positioned to help shape the ongoing solutions that each community needs. We believe communities need the trust and resources to do their work with autonomy and accountability. We hope the above recommendations can be taken seriously.

Thank You,  
Margot Fine, MSW, LCSW  
margot@maineinsideout.org  
Maine Inside Out  
207.650.3449

Anna Diaz  
65 Pike St.  
Biddeford, ME 04005

3/3/2020

To: Committee Members for Criminal Justice and Public Safety  
From: Anna Diaz, Concerned Citizen and Board Member Maine Inside Out  
Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Honorable Members of the Criminal Justice Committee:

My name is Anna Diaz, and I am a Maine resident, voter and business owner. I am writing to regarding the introduction of LR 3255, which signals the state's shifting priorities and recognition of the need for age-appropriate, not strictly punitive, accountability measures for responding to children who have caused harm.

I also write today as a Board member of Maine Inside Out (MIO). MIO is a statewide non-profit organization whose member base is currently incarcerated and formerly incarcerated young people impacted by the criminal justice system, their families and communities. MIO's work in the last 10 years has included arts based and re-entry programming at Long Creek Youth Development Center working with over 300 young people incarcerated there, in various contract arrangements with the Department of Corrections. In the past five years, MIO has created and implemented arts based community reintegration programming in Androscoggin, York, Cumberland and Kennebec Counties.

It is my personal concern for the treatment of Maine's youth, in particular the youth who are most vulnerable due to systemic racism, poverty and other factors outside their control, which led me to join the Board of MIO and to address you today.

*I am testifying neither for nor against this bill and want to advocate for amendments to LR 3255 as a way to address concerns with the bill.*

- 1. In Sec. 6. Appropriations and allocations, I would like to recommend that there be an intermediary who is not tied to the Department of Corrections or Department of Health and Human Services. I advocate for a group that could administer the funds**

**with other community organizations who are responsible for selecting community partners, distributing funds, and tracking performance metrics.** I feel strongly that DOC and DHHS are the wrong avenues for administration of funds and tracking of performance metrics. This bill's emphasis on appropriations for *community reinvestment and community based* programming and supports allows us to imagine significant change for system involved families. It only makes sense for community experts to be the ones with decision-making authority advocating for what is best for our communities and not for these decisions to be made within the systems that have caused harm to those they are meant to serve.

- 2. In Sec. 3. I urge an amendment to create an integrated team of stakeholders, including representatives of state agencies, community-based providers/advocates and community members with lived experience of youth incarceration to design a continuum of care for pilot communities.** Shirley Chisholm said, "if they don't give you a seat at the table, bring a folding chair"; I ask that we not only give a seat but elevate the voices of those who have had direct lived experience of youth incarceration and those who work with and advocate for them. We must treat these lived experiences with the gravity and consideration they deserve when making plans for the future of our communities.

I have a tender heart where young people are concerned. I believe that we as a community have a duty to lift each other up when we have stumbled. I believe our communities can be trusted with this charge and have the ability to carry it out with integrity and accountability. I sincerely hope that these recommendations will be taken seriously and appreciate your attention to my testimony.

Thank You,  
Anna Diaz  
anna@archerassisting.com

March 3, 2020

To: Committee Members for Criminal Justice and Public Safety

From: Anna Melbin, Concerned citizen and Board Chair, Maine Inside Out

Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Honorable Members of the Criminal Justice Committee:

My name is Anna Melbin. I am a resident and voter in Maine, and care deeply about the treatment of Maine's youth, particularly those most vulnerable due to systemic racism, poverty, and other forms of oppression. I am heartened that LR 3255 has been introduced, as an indicator of the state's shifting priorities and recognition of the need for age-appropriate, not strictly punitive, accountability measures for responding to children who have caused harm.

In addition to my personal concern, I serve as Board Chair of Maine Inside Out (MIO), a statewide non-profit organization founded in 2007. MIO's membership base is currently and formerly incarcerated youth, their families and concerned community members. MIO works to change systems and public dialogue through arts based and re-entry programming inside Long Creek Youth Development Center and in communities across the state; in the past five years, MIO has created and implemented arts based community reintegration programming in Androscoggin, York, Cumberland and Kennebec counties.

*I submit this testimony in response to proposed LR 3255 and to advocate for certain amendments to address my concerns with the bill.*

- 1. In Sec. 3. I urge an amendment to create a *new* taskforce to include a diverse and integrated team of stakeholders - including representatives from state agencies, advocates and experts working in community-based programs, and individuals directly impacted by the criminal legal system and with lived experience of youth incarceration - to design a continuum of care for pilot communities.** In order for any continuum of care design to be truly effective and sustainable, it must be informed by a range of perspectives and voices. Designing a process without the input and expertise of those who have lived experience, as directly impacted individuals and those who work deeply in marginalized communities, seems counter to the goal of the taskforce itself. Further, the resources allocated to this process are both precious and limited. To ensure long-term efficacy, prudence dictates forming a taskforce which includes all the necessary perspectives, provides for due diligence in researching the various continuum of care options, and gives this taskforce authority to make recommendations for

resource distribution and allocation. This is an opportunity to design something different and improved - a process and implementation plan that thoroughly considers all the aspects of responding to system-involved families, and that ensures sustainability by incorporating the buy-in and investment of all stakeholders and the careful allocation of resources.

- 2. In Sec. 6. Appropriations and allocations, I urge an amendment to ensure these scarce resources are administered not solely by the existing state agencies, but instead through a diversely staffed intermediary group charged with researching and selecting community partner programs, distributing funds, and creating and tracking performance metrics.** Again, we have an incredible opportunity to design something new and improved. Continued reliance on state agencies, and in particular, the Maine Department of Corrections, perpetuates processes which have been detrimental to the care and treatment of system-involved families. This bill is innovative in its emphasis on appropriations for *community reinvestment and community based* programming and supports. Therefore, resource distribution decisions and administration must be community based and overseen by community experts, not the exact systems which have served to oppress and marginalize the families intended to be served.

In addition to my role with Maine Inside Out, I work on the national level to abolish extreme prison sentences for children in the United States. Through these roles I have the immense privilege of working with and on behalf of individuals, families and communities most impacted by mass incarceration of children in Maine and across the country. There is absolutely no substitute for direct and lived experience in developing true and deep knowledge on the issues of criminal justice and juvenile justice reform. The people closest to the issues are the experts and are best positioned to help shape *humane, cost-effective, sustainable* solutions reflecting the unique needs of communities. I believe community members and community based experts must be entrusted and charged to do this work with integrity, autonomy and accountability. I appreciate your attention to my testimony and trust you will take my recommendations seriously. Thank you.

Sincerely,  
Anna Melbin, MSW, MPP  
annamelbin@gmail.com

Tree Street Youth  
144 Howe St.  
Lewiston, ME 04240

3/4/2020

To: Committee Members for Criminal Justice and Public Safety  
From: Julia Sleeper-Whiting Executive Director Founder Tree Street Youth  
Re: LR 3255 An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

Honorable Members of the Criminal Justice Committee:

My name is Julia Sleeper-Whiting, and I am the Executive Director and Founder Tree Street Youth in Lewiston. Tree Street was founded in 2011 as a homework help program serving kids in downtown Lewiston. Since then, it has grown into a full-service youth development center that serves over 750 at risk youth per year all year long. Tree Street Youth supports the youth of Lewiston-Auburn, Maine through academics, the arts and athletics. We provide Lewiston-Auburn youth with a safe space that encourages healthy physical, social, emotional, and academic development while building unity across lines of difference.

Tree Street is also the home to the Sequoia and REDWOOD Young Mens' and Womens' empowerment programs which are focused on serving youth involved or at risk of being involved with Juvenile Corrections system. These programs serve as an alternate to detention/reporting center model which supports youth in community service completion, social emotional support/regulation, novel experience programming, and self-empowerment. All programming is grounded in restorative practices and youth voice/participant driven.

*On behalf of MIO, I am testifying for this bill but want to advocate for omenments to LR 3255 as o way to address our concerns with the bill.*

- 1. In Sec. 3. We urge an amendment to create an integrated team of stakeholders, including representatives of state agencies, community-based providers/advocates and community members with lived experience of youth incarceration to become a design team for a continuum of care in pilot communities. This group will work hand in hand with community leaders, those most effected in each respective community and system leaders to design an effective and thorough continuum of care that will support the youth at risk in each pilot community that will meet the needs of all stakeholders and system leaders involved. Once the design for the continuum for a pilot community is complete, we can apply the funding to implement the design. We**

must carefully design a continuum of care and then begin to distribute the money. This group would also determine who gets the money based on the co-created design.

2. **In Sec. 6. Appropriations and allocations, we would like to recommend that there be an intermediary Design team created to decide the best ways to allocate funding to community based organization. We advocate for Co-creation Design Team that will work to administer the funds once a unique continuum of care is designed for each unique pilot community.** As stated above this body of individuals will focus on design work first then applying funding to a fully approved design pilot model. This group and the design will look different in each community based on their unique needs.

As a community based non-profit who has developed their organization based on youth voice and a co-creation model we have seen first hand the ways empowering and following the lead of communities in collaboration with conscious, supportive, and understanding systems truly leads to the greatest outcomes. Tree Street is committed to sharing our knowledge, experiences, and learnings from over the years in order to support the successful movement forward to create true continuums of care fully equipped to support all of Maine's youth.

Thank you for your consideration of our recommendations.

Sincerely,



Julia Sleeper-Whiting  
Executive Director/Founder  
Tree Street Youth  
144 Howe St.  
Lewiston, Maine 04240



**LEGAL ADVOCATES  
& DEFENDERS**

*for the LGBTQ Community*

March 4, 2020

Committee on Criminal Justice and Public Safety  
Senator Deschambault & Representative Warren, Chairs  
Public Hearing on LR 3255, "Recommendations of the Juvenile Justice Systems Advisory Assessment & Reinvestment Task Force"  
Written Testimony in Support of LR 3255 of GLBTQ Legal Advocates & Defenders (GLAD)  
By Mary L. Bonauto, GLAD Civil Rights Project Director (Portland)

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Good Afternoon. My name is Mary Bonauto. I am an attorney and Civil Rights Project Director at the Maine office of GLBTQ Legal Advocates & Defenders, and a resident of Portland. GLAD works in the six New England states and nationally to secure justice under law for LGBTQ people, including families and children, through litigation, legislation and public information. After the suicide of Maze Knowles at Long Creek in 2016, GLAD took on *pro bono* representation of young people at Long Creek and policy advocacy for young people in the juvenile justice system.<sup>1</sup>

As a member of the Maine Juvenile Justice Systems Advisory Assessment & Reinvestment Taskforce, I am pleased to see this bill take steps forward on some of the priorities identified Maine Juvenile Justice System Assessment (2020) that came from that process. These include -

- Ending the practice of detaining young people "because there is no parent or other suitable person willing and able to supervise and care for the juvenile" by repealing 15 MRSA §3203, §4 (C)(2). *No child should be detained in a prison setting because they need care.*
- Providing funding to (a) the Department of Health and Human Services (DHHS) for community-based, therapeutic services to stabilize and support young people in their families or communities; and (b) to the Department of Corrections (DOC) for services to divert young people from detention and commitment. For DHHS, a majority of the funds are going to nonprofit community agencies that work with young people at risk of entering the juvenile justice system, and for DOC money, all would be invested in those invaluable partners. *This is a good first step to investment in the community-based*

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<sup>1</sup> Based on experiences with youth at Long Creek and in the community, I recently worked with other advocates under the leadership of Rep. Victoria Morales on LD 1684. This bill would provide for more due process for youth in the juvenile justice system by providing counsel for youth who are detained or committed, eliminating the one year mandatory minimum applicable to all offenses, and providing for treatment and placement reviews when confined, as well as for a judicial petition process to reduce or extend a sentence.



*continuum of care to serve all youth. DHHS, through the Office of Family & Children's Services, led by Director, Dr. Todd Landry, has also identified federal "Family First" funds, possibly available late next year, as a keystone in providing more therapeutic supports for families and young people, and stakeholders will undoubtedly be engaged in assessing the best ways to use those funds as well. GLAD further recommends providing the funds directly to communities to the fullest extent possible as they are in the best position to assess local needs.<sup>2</sup>*

- Continuing the collaborations among DOC, DHHS and community partners and advocates about redirecting young people currently incarcerated at Long Creek into community-based options. (Bill sections 2-5). *GLAD appreciates that the legislation sets benchmarks set for reducing incarceration rates over the next several years and a continuing role for the Juvenile Justice Reinvestment Task Force. GLAD recommends this Committee provide a mechanism to ensure those benchmarks are met or exceeded.*
  - *By continuing with DOC's long and productive efforts to reduce incarceration, as well as with a continuing Task Force effort (including all government stakeholders, varied service providers, and advocates), there will be more human resources to assist DOC in reducing the incarcerated population and more ideas for how Maine can focus its financial and human resources on achieving the best outcomes for young people and families and as a result, increase public safety.*

<sup>2</sup> Mara Sanchez et al., *Place Matters: Aligning Investments in a Community-Based Continuum of Care for Maine Youth Transitioning to Adulthood 4* (March 2019), <https://usm.maine.edu/sites/default/files/cutler/Place%20Matters%20CoC%20FINAL.pdf>.

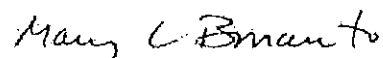
In addition, the *Maine Juvenile Justice System Assessment*, based on DOC and DHHS data, found that the majority of youth committed to Long Creek who scored as moderate or high risk had experience with the child welfare system, including "indicated" or "substantiated" child welfare investigations and home removals. (pp. 106-107). *See also* Disability Rights Maine, *Assessing the Use of Law Enforcement by Youth Residential Service Providers* (Aug. 2017), available at: <https://drmeorg/assets/uncategorized/Law-Enforcement-08.08.17.pdf>. While there are differences between the two systems, both focus on helping young people thrive in their families when possible. *See, e.g.*, Maine Juvenile Code, 15 MRSA §3002 (A), (B) (purposes include "To secure for each juvenile subject to these provisions such care and guidance, preferably in the juvenile's own home, as will best serve the juvenile's welfare and the interests of society" and "[t]o preserve and strengthen family ties whenever possible, including improvement of home environment.").

Researchers have noted the overlap between young people in the two systems. *E.g.* Shay C. Bilchik, *Addressing the Needs of Youth Known to Both the Child Welfare and Juvenile Justice Systems*, National Center for State Courts (2010), citing D. Hertz, *Crossover Youth: What Do We Know?*, PowerPoint presented at the 2009 Governor's Summit on DMC Issues, Portland, Oregon, available at: <https://cdm16501.contentdm.oclc.org/digital/collection/famct/id/305> (for Arizona systems, "crossover" youth were more likely to be more deeply involved in the juvenile justice system than other youth); J. P. Ryan & M. K. Testa, *Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability*, 27 *Children and Youth Services Review* 227 (2005) (maltreatment like abuse and neglect have been found to increase the likelihood of arrest for a delinquent act by up to 55%, and the likelihood of committing a violent offense by 96%); J. K. Wiig, C.S. Widom & J.A. Tuell, *Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions*, Child Welfare of America Press (2003).

- *Continued collaboration would help DOC to meet or exceed the benchmarks listed and provide even more reporting on developments and strategies than those listed in section 4.*
- *Last but not least, the bill in section 5 provides a foothold for continued discussion of the vital question of what, if any, secure confinement Maine needs for young people and how to provide for public safety as we together build up the continuum of care.*

With the caveats and areas of concern noted, GLAD supports this bill and respectfully requests the Committee to consider the suggestions for further strengthening the commitments it makes.

Truly yours,



Mary L. Bonauto  
GLAD Attorney