



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)

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.¹

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*

¹ 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.²

- 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.*

² 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