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GOVERNOR

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DEPARTMENT OF CORRECTIONS
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COMMISSIONER

To: Charlotte Warren, House Chair Joint Standing Committee on Criminal Justice and Public Safety
Susan Deschambault, Senate Chair Joint Standing Committee on Criminal Justice and Public Safety
Members of the Joint Standing Committee on Criminal Justice Public and Safety

From: Randall A. Liberty, Commissioner of the Maine Department of Corrections
Christine Thibeault, Associate Commissioner Maine Department of Corrections Division of Juvenile Services

Cc: MaryAnn Turowski, Senior Policy Advisor Governor Mills

Date: February 15, 2022

Re: Section KKKK-4 of the LD 221 (2021)

The changes within the Division of Juvenile Services (DJS) over the last several years have been remarkable. The Average Daily Population (ADP) has come down (from 86 in 2016 to 31 in 2021), the amount of and type of training provided to staff has become more tailored to the needs of youth coming into contact with juvenile services, we have brought in tenured leaders from the juvenile corrections field, including Associate Commissioner Christine Thibeault and Superintendent Lynne Allen, both of whom have decades of experience in juvenile justice reform in Maine and Massachusetts respectively.

During the past two years MDOC has established programs that provide mentoring for justice-involved youth in both Long Creek Youth Development Center (LCYDC) and in the community. The Credible Messenger program provides youth with peer and adult mentors with lived experience. Youth Advocate Programs provides support to youth as they transition between phases of the juvenile system. The Maine Department of Corrections amplified its community-collaboration efforts as a result of the COVID-19 pandemic by establishing Regional Care Teams in each of the three MDOC regions. These partnerships have allowed a more localized focus on existing and missing resources for youth. Maine Department of Corrections has also committed training hours to improving responsiveness to the specialized needs of BIPOC and LGBTQIA+/GNC youth.

The division remains committed to the result that all Maine youth successfully transition into adulthood, working in close collaboration with partners and stakeholders to enhance programs and services that ensure all justice involved youth experience a fair, equitable, and responsive system. The division strives to create a system equipped to provide each youth with the positive outcomes necessary to support growth, independence, and restoration.

Section KKKK-4 of LD 221 (Governor's budget) asks the department to describe efforts, successes, and challenges associated with various juvenile justice reform efforts. Responses to inquiries posed in Section KKKK-4 are outlined below. There are a number of questions that ask the MDOC to speak for the Department of Health and Human Services (DHHS), which we will not do. However, we have worked closely with DHHS and have replied to questions in a way that provides information appropriately.

Question 1: [Describe] the efforts of the Department of Corrections and the Department of Health and Human Services to offer diversion options for justice-involved youths and to reduce the rates of detention and commitment of youths across the State.

Response to Question 1: 2021 saw success in enhancing an already established diversion system with 399 youth diverted for a rate of 86.5%. This success can be attributed to a number of reasons, including:

- The hiring of a full-time Restorative Justice Coordinator to increase restorative practices across all touchpoints of the juvenile justice system, including diversion.
- Additional funding was provided to the Youth Advocate Programs to serve youth prior to secure confinement to connect them with needed services and a community mentor/advocate.
- A Community Diversion Team was established in the MDOC juvenile region 2, to address unmet needs and divert youth of color from the juvenile court process.
- Expanded collaboration with community stakeholders on the Regional Care Teams where localized multidisciplinary teams discuss emerging issues faced by justice-involved youth and their families and provide case consultation to improve diversion methods and prevent secure detention.
- MDOC's consistently and actively involved in and support the Maine Children's Cabinet and Maine Juvenile Justice Advisory Group.
- The Department of Health and Human Services Office of Child and Family Services (OCFS) assigns four Program Coordinators to work with juvenile justice involved youth. The Program Coordinators assist JCCOs and Long Creek staff with identifying youths' unmet mental health and behavioral health needs and serve as facilitators of family team meetings. Program Coordinators meet with guardians of youth and assist them with applying for in home or out-of-home treatment services.
- OCFS is an active partner and participant in the previously mentioned Regional Care Teams.

Question 2: [Describe] the successes and challenges of the Department of Corrections in achieving the benchmarks for detained and committed youths set forth in Section KKKK-2.

Response to Question 2: The MDOC does not support the idea that there is an ideal number of youths served by LCYDC. While we understand the intent of the language is to work toward consistent decreases in ADP, the idea that there's a right number, is misguided.

However, we did engage in the exercise to identify a benchmark, as directed in the language of Section KKKK-2. We defined the term 'benchmark' to mean the baseline or minimal standard established, we did simple math comparing one year to another through averages:

Comparing 2019-2021

Detention Benchmark: 14

Committed Benchmark: 26

Total Benchmark: 40

- DJS has met this 64% of the time over the last 36 months (22 of the 36 months have been 40 or below)

Comparing 2020-2021

Detention Benchmark: 12

Committed Benchmark: 24

Total Benchmark: 36

- DJS has met this 60% of the time over the last 24 months (15 of the 24 months have been 36 or below)

These averages are inclusive of two major variables: large drops in LCYDC population after years of higher ADP, and the impact of COVID, and therefore these benchmarks may not be realistic year to year, so the DJS cautions against setting any standards against it.

The other variable not factored into the numbers above is the role the judiciary plays in LCYDC population. If conversations about an ideal number of youths at LCYDC are to continue, the judiciary will need to be included.

Question 3: [Describe] 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 Part A for the purpose of diverting justice-involved youths from detention and commitment and reducing the rates of youth detention and commitment.

Response to Question 3:

Successes:

Staff within the MDOC's Division of Juvenile Services (DJS) and DHHS's OCFS have regular and close communication and collaboration. This includes between levels of staff working with youth directly, working with families, working with legal teams, with schools, and at the higher administrative levels.

More specifically, some of the collaborative success include the following:

- MDOC and the Department of Health and Human Services (DHHS) has successfully implemented OCFS Liaisons in each of the three juvenile regions.
- Representatives from DHHS and OCFS regularly attend monthly Regional Care Teams to discuss emerging issues and provide case consultation.
- MDOC's Juvenile region 3 staff have worked collaboratively with OCFS's Youth Substance Use Disorder Specialist to address the needs of a youth with severe substance use disorder requiring level of care not currently available in Maine.
- MDOC has worked closely with Child Protective Case Workers for youth in juvenile justice under the custody of the state.
- MDOC is in the process of contracting for the opening of a community-based step-down facility in Auburn.

Challenge:

- The departments have not yet been able to implement data-sharing mechanisms to ensure youth are served appropriately.

There was no funding allocated to DHHS under Part A. Despite this, OCFS continues to implement improvements in community-based behavioral services. More information about these improvements can be found in the January 4, 2022 [Children's Behavioral Health Services Annual Report](#) written by the DHHS OCFS.

Question 4: [Describe] the successes and challenges of the nonprofit community agencies that have been awarded contracts to provide community-based, nonresidential, therapeutic services and programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment as funded under Part A.

Response to Question 4:

- In 2021, 17 of the 21 contracted vendors had a program success rate of 80% and above.
 - 10 of the 21 programs had a program completion rate of 100%.
- Community providers experienced staffing retention and recruitment issues, reduction in referrals, and other challenges related to COVID-19, which impacted some agencies from reaching the minimal outcome threshold.

Question 5: [Describe] the number and outcomes of youths served in the prior year by the nonprofit community-based agencies awarded contracts under sections 6 and 7 of this Part.

Response to Question 5:

- In 2021, 671 youth were served by 21 youth-serving programs
 - Of the 671, 355 (75%) youth successfully completed their program,
 - 99 (25%) youth did not complete or were unsuccessful in the program,
 - 214 youth were still receiving services following the end of the year.

Question 6: [Describe] the number of staff at the Long Creek Youth Development Center as of the preceding December 1st and staffing levels and challenges at the facility.

Response to Question 6:

- In 2021 Long Creek had roughly 107 position filled and 38 unfilled.
- There were 49 filled Juvenile Program Worker positions and 25 vacant*
- There were 10 filled Juvenile Program Specialists positions and 1 vacant*
- There were 10 filled Bachelor-level teacher position and 4 vacant*
- Throughout 2021 there were 19 new hires and 37 terminations across the facility.
- *Of note: Many of the vacant positions were intentionally left unfilled due to low numbers of residents.

Question 7: [Describe] the strategic plan developed by the Department of Corrections and the Department of Health and Human Services in consultation with the task force and the related improvements to the juvenile justice system.

Response to Question 7:

MDOC's Associate Commissioner of Juvenile Services Christine Thibeault and Dr. Todd Landry, Director of the Office of Children and Family Services have had several conversations centered around collaborative strategies that build upon shared priorities. These collaborative strategies include:

- Continued participation by both agencies on cross system workgroups, including:
 - Maine Juvenile Justice Advisory Group
 - Children's Cabinet
 - Regional Care Teams
 - Children's Race and Equity Committee (aimed at improving use of data and cross system data sharing)
 - Juvenile Community Residence Technical Assistance Workgroup (aimed at identifying property for potential use as therapeutic residences for justice involved youth, as dictated by Section KKKK-5 of the Governor's budget)

- Fiscal Redeployment Technical Assistance Workgroup (aimed at identifying redeployment opportunities for funds from LCYDC for community-based services serving justice-involved youth)
- Identifying means and methods to expand Multisystemic Therapy (MST) and Functional Family Therapy (FFT).
- Identifying means and methods to support expanded housing options (short and long term) for youth unable to reside with their family.
- Collaboration on early identification of justice-involved youth with Substance Use Disorder (SUD), support earlier access to treatment and recovery services.
- Supporting the continued work of OCFS toward establishing a Psychiatric Residential Treatment Facility (PRTF) for children and adolescents.
 - This facility may be an appropriate treatment modality for certain youth at LCYDC, particularly those with a short-term psychiatric treatment need.
 - More information about OCFS work on PRTF can be found in the [Children's Behavioral Health Services Annual Report](#).
- Enhanced partnership with DOE, DHHS, MDOC, focused on efforts to support needs of students interacting with OCFS and MDOC.
- Monitoring the transition of youth moving from youth-serving programs to adult-serving programs, being sure to identify youth who may be aging out of youth system but still needing continued services into adulthood. This work will involve reviews of practices and policies.

Question 8: [Describe] the specific community-based juvenile housing and programming items that received funding as a result of eliminating vacant positions in the Long Creek Youth Development Center.

Response to Question 8:

The Maine Department of Corrections has current contracts with three providers: Youth Advocate Programs, Out Maine, and Young Peoples Caucus. The Department is currently finalizing a contract for a community-based step-down program.

Question 9: [Describe] the amount of funding each item specified in the report received and how the funds were expended as a result of eliminating vacant positions in the Long Creek Youth Development Center.

Response to Question 9:

- Of the allotted \$1,187,403.00 the Maine Department of Corrections has encumbered a total of \$465,703.00 (40%) to community providers.
- Youth Advocate Programs was provided \$383,203.00 to serve an additional 15 youth prior to secure confinement, as a diversion strategy.
- Out Maine was provided \$32,500.00 to implement appropriate LGBTQIA+/GNC training within the Department and provide a train the trainer option for Field Training Officers.
- Lastly, the Department provided \$50,000.00 to the Young Peoples Caucus which ensures youth voice is heard at all decision points.

Question 10: [Describe] the successes and challenges of the Department of Corrections in expanding access to community-based juvenile housing and programming.

Response to Question 10:

The Department is finalizing a contract for a community-based step-down program. The challenges associated with moving this forward faster are primarily related to staffing.

Question 11: [Describe] the successes and challenges of the organizations that received funding in expanding access to community-based juvenile housing and programming.

Response to Question 11:

- Youth Advocate Programs has experienced staffing challenges through retention of advocates and finding advocates in rural areas of the state. Youth Advocate Programs now have 3 full-time directors, one in each juvenile region, that has improved access to more advocates in the community, more recruitment, and more youth served across the state.
- Out Maine has experienced challenges in finding training dates that work for the juvenile community regional staff, but trainings are now scheduled.
- The Young Peoples Caucus, managed by University of Southern Maine, had a summit in January, which satisfied 1 of the 3 learning opportunities per year identified in the contract, there has been no challenges thus far.



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