

# MAINE STATE LEGISLATURE

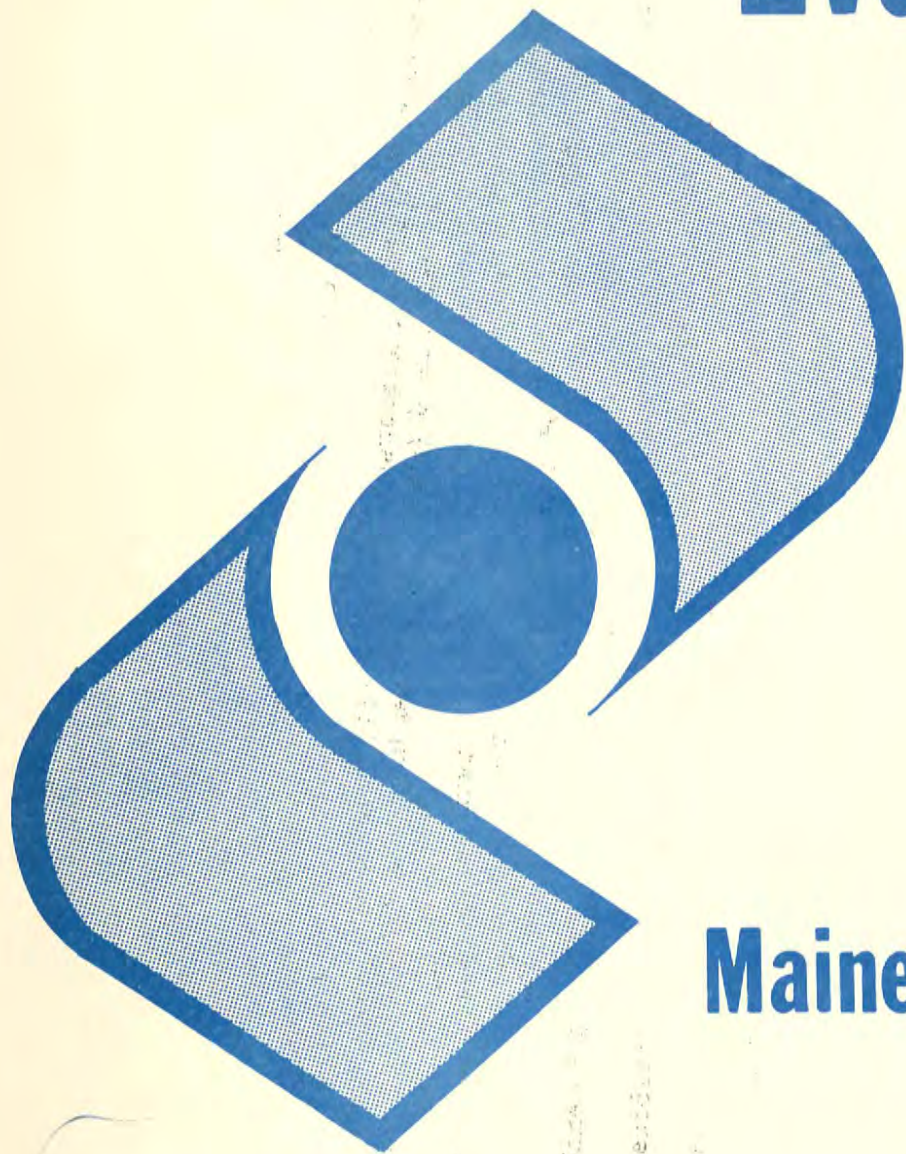
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# Evaluation and Plan



## Maine Juvenile Code

January 1980

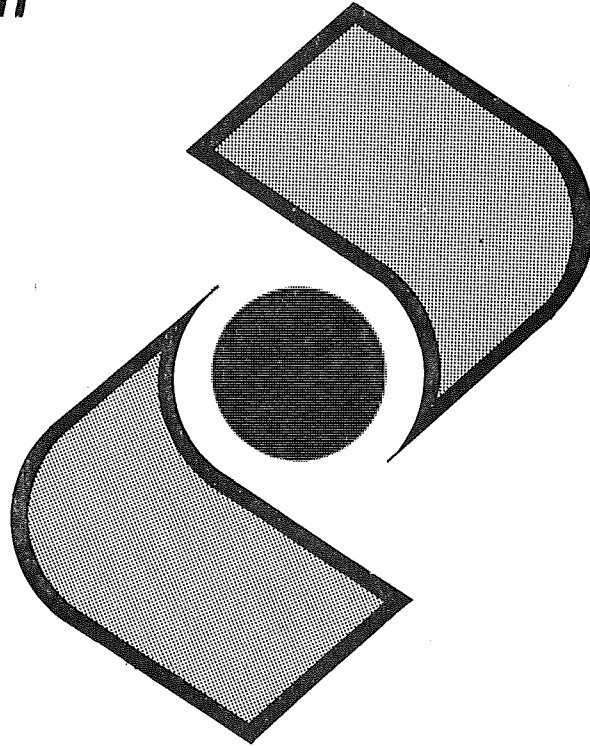
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Department of Mental Health and Corrections



**Maine Juvenile Code Evaluation  
and  
Prevention, Rehabilitation, and  
Administration Plan**

HV  
9105  
M15  
M33  
1980



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These professionals' creative input into this report is gratefully appreciated and laudible.

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## INTRODUCTION

Contained within this report is a detailed analysis of the first year's operations of the new Juvenile Code, its effects upon the Juvenile Justice System, and the efforts of the Department of Mental Health and Corrections toward prevention of juvenile crime and rehabilitation of Juvenile Offenders. The top priorities of the new Juvenile Code are:

- A. "To secure for each juvenile..such care and guidance, preferably in his own home as will best serve his welfare and the interests of society;
- B. To preserve and strengthen family ties whenever possible, including improvement of the home environment." <sup>1</sup>

To help meet the mandates of the above stated purposes, the Juvenile Code requires that the Department of Mental Health and Corrections:

"prepare an annual plan for identifying, evaluating and meeting the service needs for prevention of juvenile crime and rehabilitation of juveniles adjudicated as having committed juvenile crimes." <sup>2</sup>

Additionally, the Code requires that the Department submit to the Governor and Legislature an

"Administrative plan for juvenile crime prevention and rehabilitation of adjudicated juveniles." <sup>3</sup>

Concerning the first plan requirement, the prevention and rehabilitation of juvenile crime/offenders, the Department undertook two major efforts. First, an evaluation of the Juvenile Code during the first six months of its operation was conducted. The basis for this evaluation was that any service needs, but more importantly any prevention efforts, would have to be specifically tailored to evaluation results. What the Code was or was not doing would serve as the basis for what focus the Department would pursue. This evaluation was initially completed by the Department in conjunction with the Maine Criminal Justice Data Center and submitted to the Governor and Legislature in March of 1979.

Based on this very preliminary evaluation of the first six months operations of the Code, the Department undertook its second major effort, the writing of the Juvenile Delinquency Prevention Plan for Families and Communities. This plan, completed and distributed in May of 1979, sought to establish a philosophical and theoretical base by which prevention and rehabilitation efforts would be explored over the upcoming year. After numerous discussions

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<sup>1</sup> 15 MRSA, Chapter 501, §3002, emphasis added.

<sup>2</sup> 15 MRSA, Chapter 11-A, §262(2)

<sup>3</sup> 15 MRSA, Chapter 11-A, §263



with other State agencies, local service providers and concerned citizens, this philosophical base for prevention has been refined and redefined into this document. This blueprint will be the basis for specific programs which the Department has both statutorial authority to pursue and financial ability to fund. These programs will be addressed in the 1981 Departmental Plan.

## MAINE JUVENILE CODE

### Historical Summary

The Maine Legislature established the Commission to Revise the Statutes Relating to Juveniles in July, 1975. The Commission was charged with preparing a proposed revision to the Juvenile Code with emphasis on education, community corrections, institutions, police and the courts.

One of the first acts of the Commission was to limit the scope of its inquiry to four specific areas: prevention, non-criminal behavior, criminal behavior, and juvenile courts. A series of Commission meetings and public hearings was held over the next months to discuss these areas and to determine the changes desired in the existing juvenile justice structure.

The result of the extensive research and deliberations by the Revision Commission was a sweeping revision of the juvenile justice laws and a recommendation for the creation of a system that addressed the issues of prevention, criminal and non-criminal behavior in a comprehensive and integrated manner; a system which designated the district courts as juvenile courts and which also ensured reduction in inappropriate referrals to and processing by those courts.

In 1977 the Legislature passed the Revised Juvenile Code. At this point, the Commission became inactive. However, recognizing that problems with the Code would exist, the Legislature deferred the effective date to July 1, 1978, and instructed the Judiciary Committee to review the code and make recommendation for change as necessary. Several amendments were made to the Code prior to its implementation. The general philosophy and intent as discussed in the following sections, however, was not changed and the result of three years of work by the Commission, the Judiciary Committee and numerous concerned agencies and individuals became effective on July 1, 1978.

### Philosophy

The Juvenile Code reflects two philosophical principles. These are: 1) that the family is the most appropriate social unit for guiding juvenile behavior and developing responsibility, and 2) that the family exists within a larger social organization whose well-being must also be considered and which occasionally takes precedence over the individual and his/her family. To maintain the delicate balance between the needs of these two entities, a system must be developed which provides a continuum of services to the individual and his family ranging from the most natural (within the family) to the most restrictive (institutionalization) and which respects and ensures the rights of all individuals involved.

### Intent

On July 1, 1978 the 108th Maine Legislature enacted a revised Juvenile Code intended to reflect this philosophy. The new Code created a juvenile

justice system that: focuses on the juvenile within the family structure; provides a standardized process for dealing with juvenile offenders, runaways and neglected youth; creates a range of alternative dispositions; and guarantees individual rights. More specific intents can be found within each of these areas of the Code.

#### A. Standardized Process

The Code Revision Commission decriminalized the act of running away from home and placed the runaway juveniles with abused and neglected youth. This illustrated the Commission's intent to keep these youths out of the formal juvenile justice system and to provide services to them. At the same time, the Commission prioritized the remaining juvenile offenses, treating the serious offenses that would also be adult offenses more severely and creating mechanisms to minimize or eliminate the penetration into the system of the juveniles who commit less serious adult or uniquely juvenile crimes.

The Intake Workers and the intake process were established as the mechanism for dealing with all juveniles with whom the police come in contact. The Code intends to achieve the balance of needs between the juvenile and society through this process. The intake worker has considerable flexibility in how he/she may handle juveniles in need of interim care and juveniles accused of committing an offense. With this flexibility, the Code can provide a continuum of services that meet the need of each juvenile within the family or within the least restrictive setting possible.

#### B. Alternative Dispositions

The Code intends to decrease the number of juveniles processed through the courts: 1) to receive services because of abuse, neglect or running away; 2) as juvenile offenders being held for court for simple detention or diagnosis and evaluation; and 3) as offenders sentenced to probation or the Maine Youth Center, by creating a series of alternative dispositions in three areas.

First, in the area of detention, the Code mandates the release of arrested juveniles to their parents unless the juvenile's release will result in harm to himself/herself, harm to the public, or unless there is a good chance that the juvenile will leave the area. It also sets up a process for the provision of shelter to juveniles in need of interim care, the return of the juvenile to his/her parents as soon as possible, and an assessment of the family's service needs. In the event that neither the juvenile nor his/her parents wants the juvenile to return home, the Code also provides a mechanism for the emancipation of juveniles over sixteen years of age.

Second, to decrease the number of arrested juveniles processed through the courts the intake worker may choose, with the State District Attorney's concurrence, to release or informally adjust first offenders and juveniles accused of minor crimes instead of petitioning the court. In both instances the juvenile is returned to his/her family and the intake worker can refer the family to the appropriate services required to meet their needs.

Finally, the Code creates a wide range of dispositional alternatives for judges who do adjudicate a juvenile offender after a petition has been

filed. These alternatives consist of release to his/her parents through probation to referral to the Department of Human Services or commitment to the Maine Youth Center. As an additional way of decreasing the number of inappropriately sentenced juveniles. The Code also requires a judge to withhold an institutional disposition unless certain specific criteria are met.

### C. Individual Rights

The intent of the Juvenile Code to respect and ensure the rights of both the individual and the public is evidenced throughout the entire structure of the Code. All adjudicatory hearings on serious offenses (Class A-C) are open to the public, while those on lesser offenses are not. It is also easier to process juveniles arrested for very serious offenses through the district court and bind them over to the superior court for trial as an adult.

Individual rights are maintained by guaranteeing the juvenile, his/her parents, and lawyer the right to review all data collected by the court for use in its decision-making process. To further guard against a possible violation of rights, the Code requires the court to appoint legal counsel where the parent or juvenile is financially unable to do so.

The ultimate guarantee of rights is found in the Appeals Section of the Code. Here the Code sets forth a juvenile appellate structure and rules to ensure: that the rights of the State, the juvenile and the juvenile's parents are recognized; that uniformity of treatment of people in similar situations exists; and that the other purposes of the juvenile justice system created by the Code are realized.

### Specific Charges to the Department of Mental Health and Corrections

The Department of Mental Health and Corrections was given the responsibility for juvenile delinquency prevention and rehabilitation through service provision, information collection, evaluation, and planning under the Revised Juvenile Code. The performance of these functions assures that the intent of the Code is being and/or will be fulfilled.

Specifically, in the area of service provision, the Department must provide services to prevent juveniles from coming into contact with the juvenile court and to support and rehabilitate all those who have come in contact with the court. This is done directly through the administration of the intake workers and the intake process discussed in the previous section for arrested juveniles and youth in need of interim care. The Department has also established an appeals process for juveniles and their parents to guarantee their right to service provision; assist other state and local agencies, communities and individuals in resource allocation and development; train staff and volunteers within the department and contracting agencies and facilities; and appoint guardians and provide services for those juveniles under the Department's responsibility who lack a parent who can assume this role.

Standardized information must be collected to provide a basis for the evaluation and planning that is the responsibility of the Department.

Therefore, the code requires that standardized processes for information collection be developed. An annual written report of services provided and services planned for each juvenile under the Department's care must also be prepared and presented to the juvenile's parents as part of the mandated collection of information.

The information collected about the intake process forms the basis for the other two major charges to the Department of Mental Health and Corrections: an administrative plan and an annual plan for identifying, evaluating, and meeting the service needs of adjudicated youth and for preventing juvenile crime.

The following sections of this document present and address data relating to juvenile crime, administration of the Bureau of Corrections, the Juvenile Code, Juvenile Probation, Juvenile Employment and the Maine Youth Center.

CRIME ANALYSIS  
SECTION

## Introduction

### Juvenile Crime Data Analysis

An important consideration in this evaluation is to determine what significant changes are occurring regarding reported crime, arrests detentions and police dispositions of juvenile offenders. Although the Juvenile Code primarily, if not exclusively, deals with decisions at the point of the Intake Workers it was anticipated that the police department's historical processes would be affected. The specific areas that were thought might be significantly altered were:

1. Reported Crime - It was anticipated that there would be a very slight increase in reported crime.
2. Arrests - Police departments should have established agreements as to what offenses were no longer appropriate to refer to court (now to the intake worker) for a petition. It was anticipated that these agreements would result in a slight drop in the total number of juveniles arrested, particularly for non-serious juvenile offenses such as Class E offenses.
3. Arrests and Referrals - It was anticipated that because the intake worker is also a service provider, some police departments would, after arrests, refer the juvenile to the intake worker for services, even though a petition is filed. It was thought that this would be particularly true regarding police departments without Youth Aid Bureaus. The Department of Mental Health and Corrections predicted a 25% increase in juveniles referred to the "court or probation department" Classification on UCR reporting. <sup>4</sup>
4. Detentions - The code's criteria for the detention of juvenile offenders are both specific and restricted. Since intake worker authorization is now needed for continued secure detention, it was anticipated that some juvenile offense types would no longer be detained since authorization from the intake worker might not be given. This nonauthorization would be particularly true in the status and non-serious (Class E) offenses.

Contained in the upcoming section is an analysis of each of these anticipated effects.

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<sup>4</sup> Uniform Crime Reporting is a statewide mandated reporting system used by all law enforcement agencies in the state. It records all arrests, offenses and dispositions of offenders. In the Disposition category, 5 options exist; Released, Referred to Social agency, Referred to other police agency, Referred to Adult Court and Referred to Court/Probation Department. This last category is the disposition used to record referral to the intake worker.

## Overview of Maine Crime

The crime rate in Maine (and nationally) is determined by the number of reported crimes per 1000 people within the state. Maine's crime rate in FY 78 was 41.68 compared to a national rate of 50.55. The overall crime rate in Maine has risen 1.67 (per thousand population) in the last four years and .29 between 1977 and 1978. Although this compares to a national decrease, the increase is so small that it is uncertain whether this reflects an increased reporting rate or whether there is an actual increase in the number of crimes committed. In either case, this increase is not considered significant.

The violent crime rate in Maine is approximately one half the national average, dropping in 1978 to its lowest rate since the collection of UCR (Uniform Crime Report) <sup>5</sup> data four years ago. Maine also has the fifth lowest murder rate in the nation. The major crime problems in Maine are property offenses, mostly burglary, larceny and thefts.

Maine has shown, however, some significant changes in its arrest rate (arrests per thousand population) for both juveniles and adults. UCR data for the past four fiscal years <sup>6</sup> indicate that although the crime rate is stable, the arrest rate is increasing. Simply put, although the number of crimes being committed is about the same, the rate of people being arrested has increased by 11.8% for adults and 14.6% for juveniles. This is probably due to an increasingly efficient law enforcement community in Maine. However, it should also be noted that the number of juveniles in Maine has decreased by 21,600 or 8% for that same period, suggesting that there may be an increase in the visibility of juvenile crime. Additionally, the increase may also reflect policy changes within the law enforcement community.

Thus, the overall crime picture in Maine, compared to both national figures and historical data within the state, is considered encouraging.

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<sup>5</sup> Uniform Crime Reports are mandated by State Law which requires law enforcement agencies to submit standardized reports of crime and arrest activity to the Department of Public Safety.

<sup>6</sup> This represents fiscal years 1976, 1977 and 1978 and projected FY 1979 data using actual figures for the first six months as base.



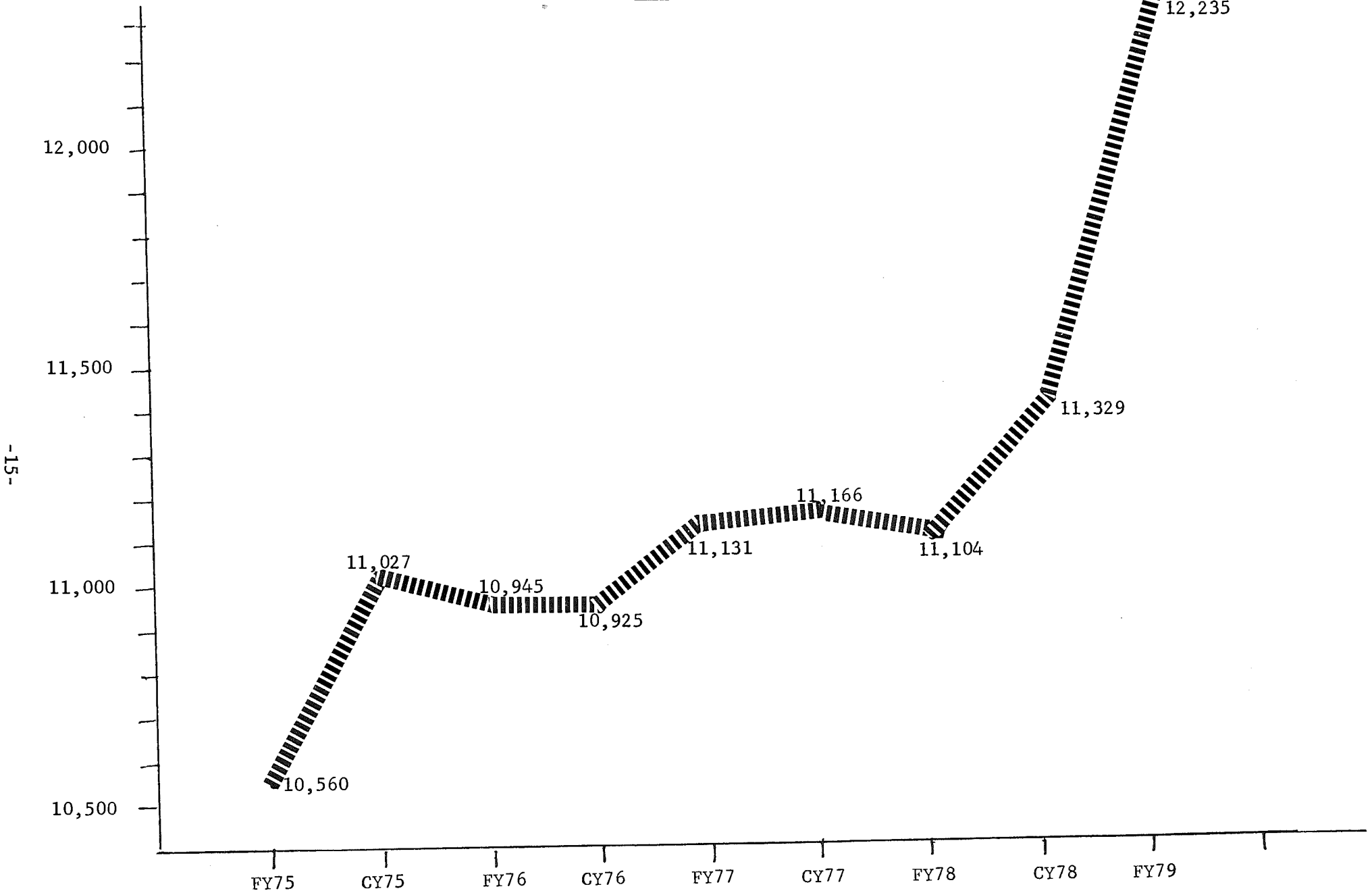
# Highlights

The total number of juveniles arrested increased 10% or by approximately 1000 cases during the first year of the Juvenile Code.

## Summary

A major concern voiced during both the Juvenile Code Commission debates and the Department's planned implementation of the Code was the possible effect of the Code attracting more juveniles to the juvenile justice system and not fewer. The first point of the system at which the possible increase may occur is the law enforcement community. Since it has already been established that the crime reporting rate has not changed significantly we should assume that there has been no major changes in the numbers of crimes being committed. The correlating assumption could then be that there should also be no major or significant change in the rate of juvenile arrests. This assumption was not accurate however, the case, as witnessed by the chart on the following page. The numbers of juveniles arrested after the code increased by approximately 1,000 over the predicted natural increase. Since this phenomena occurred, further examination as to the specific types of offenses and dispositions by law enforcement agencies was necessary. The inferential indicators at this time are that the sizable increase of juvenile arrests cannot be explained by natural historical events and are probably a result of the Juvenile Code. Further investigation was necessary however and the results are contained in the next few pages.

TOTAL JUVENILES ARRESTED BY BOTH  
FISCAL YEARS AND CALENDAR YEARS  
1975 - 1979



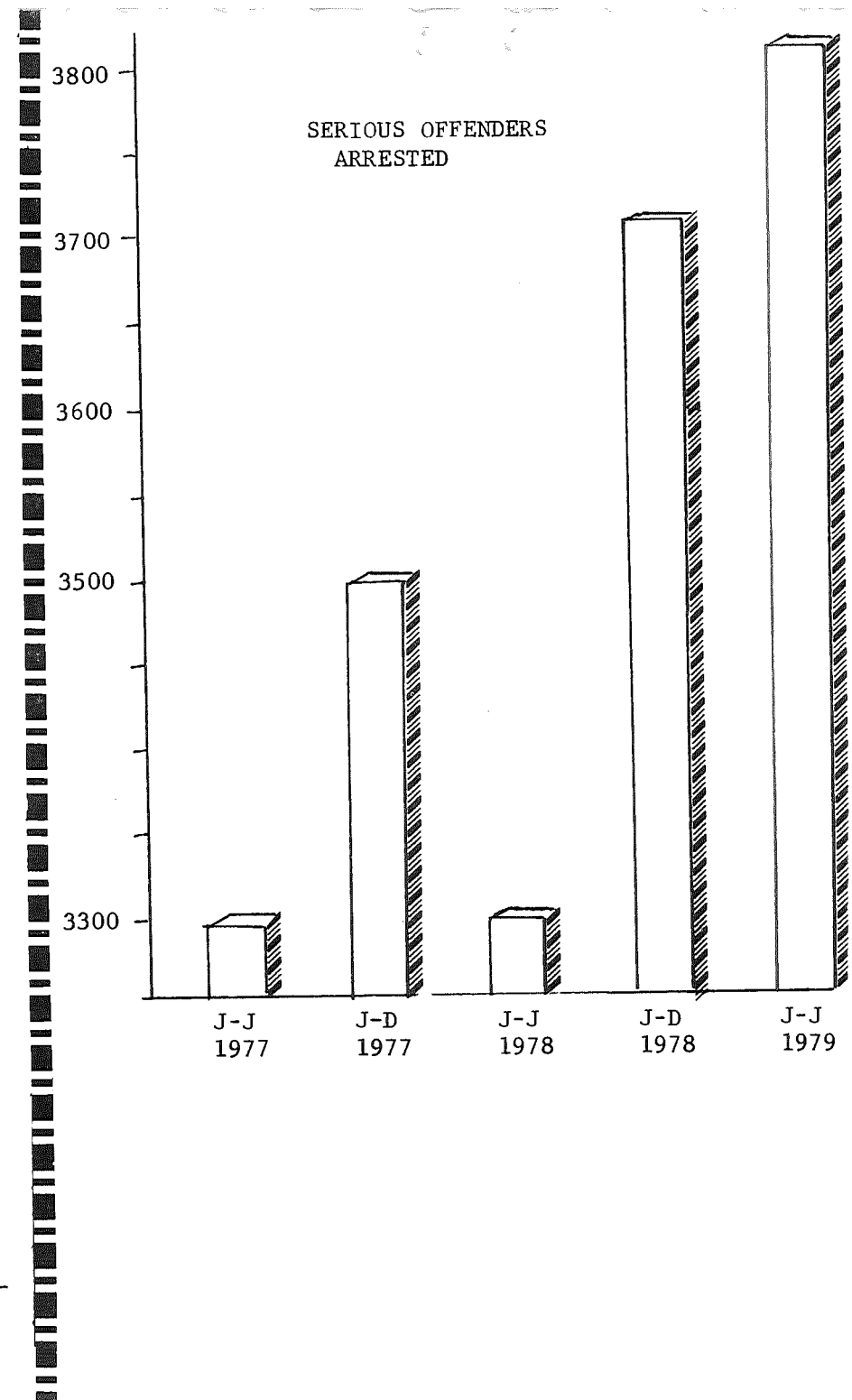
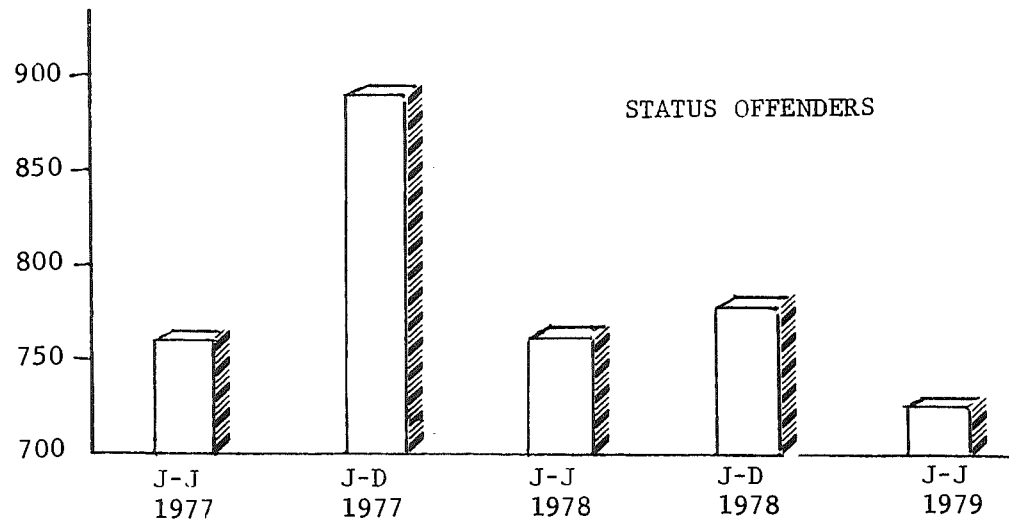
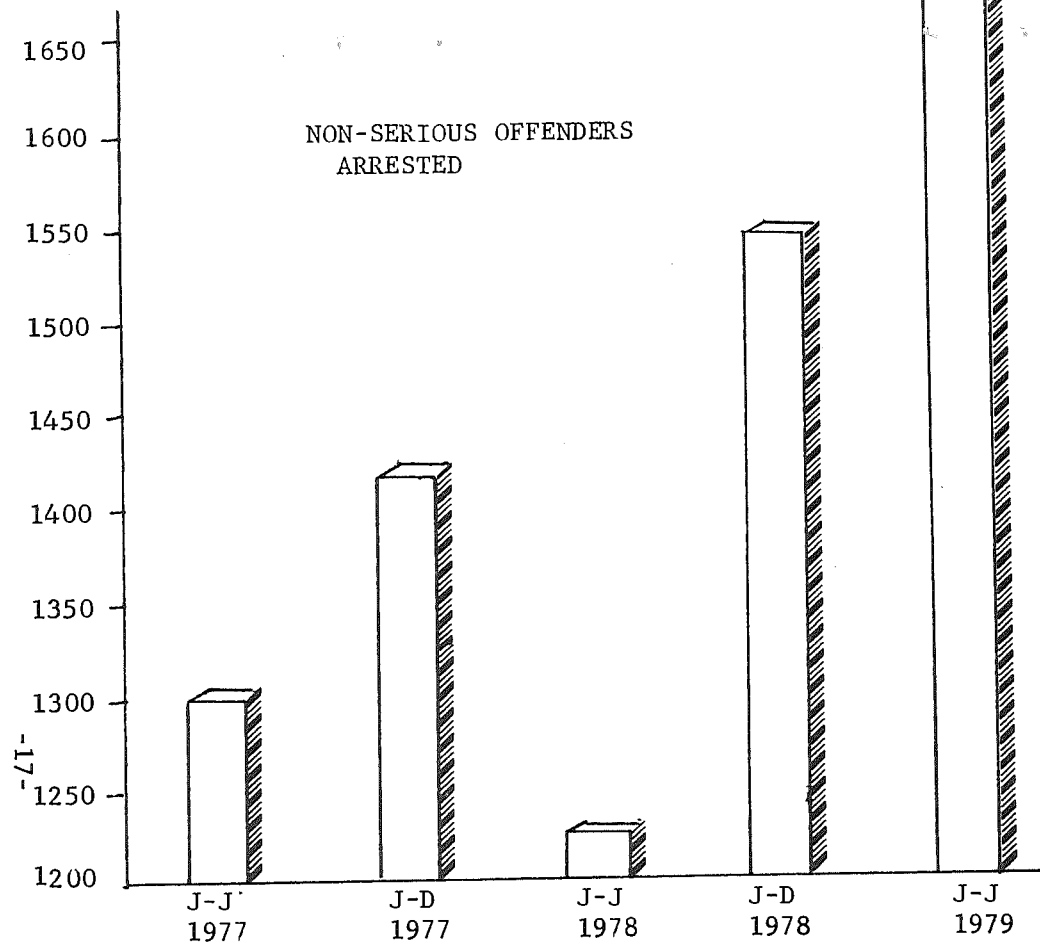
# Highlights

The number of juveniles arrested for a serious offense increased an average of 12% (400 cases) since the Code.

The number of juveniles arrested for a non-serious offense increased an average of 23% (300 cases) since the Code.

## Summary

Of particular concern regarding the figures on the next page is the six-month block of January - June (J-J) 1979. Overall juvenile arrests broken down into six-month blocks illustrate considerable seasonal fluctuations. Historically, January - June is the lowest arrest period, with the July to December period being the highest. This traditional fluctuation has been occurring since 1974 when juvenile arrest data was first collected. The 1979 figures, rather than dropping to approximately 1400 for non-serious offenders and 3300 for serious offenders, rose substantially (almost 800 cases over the projections). This rise was unpredicted and may be an indication of two events. First, police departments are probably becoming more sophisticated in investigation and case preparation techniques. This sophistication could account for a slight increase. It is however improbable that police departments took a quantum leap in sophistication in June of 1978 that would explain the sizable increase. The second event which may be occurring is that as a result of the accessibility of service providers (intake workers), juveniles which previously would have been reprimanded and released are now being formally arrested and referred to the intake worker. This appears particularly true in the non-serious offense category - a 23% average increase in referrals since the Code. Once again, in order to substantiate this, conclusion an analysis of police dispositions was conducted.



# Highlights

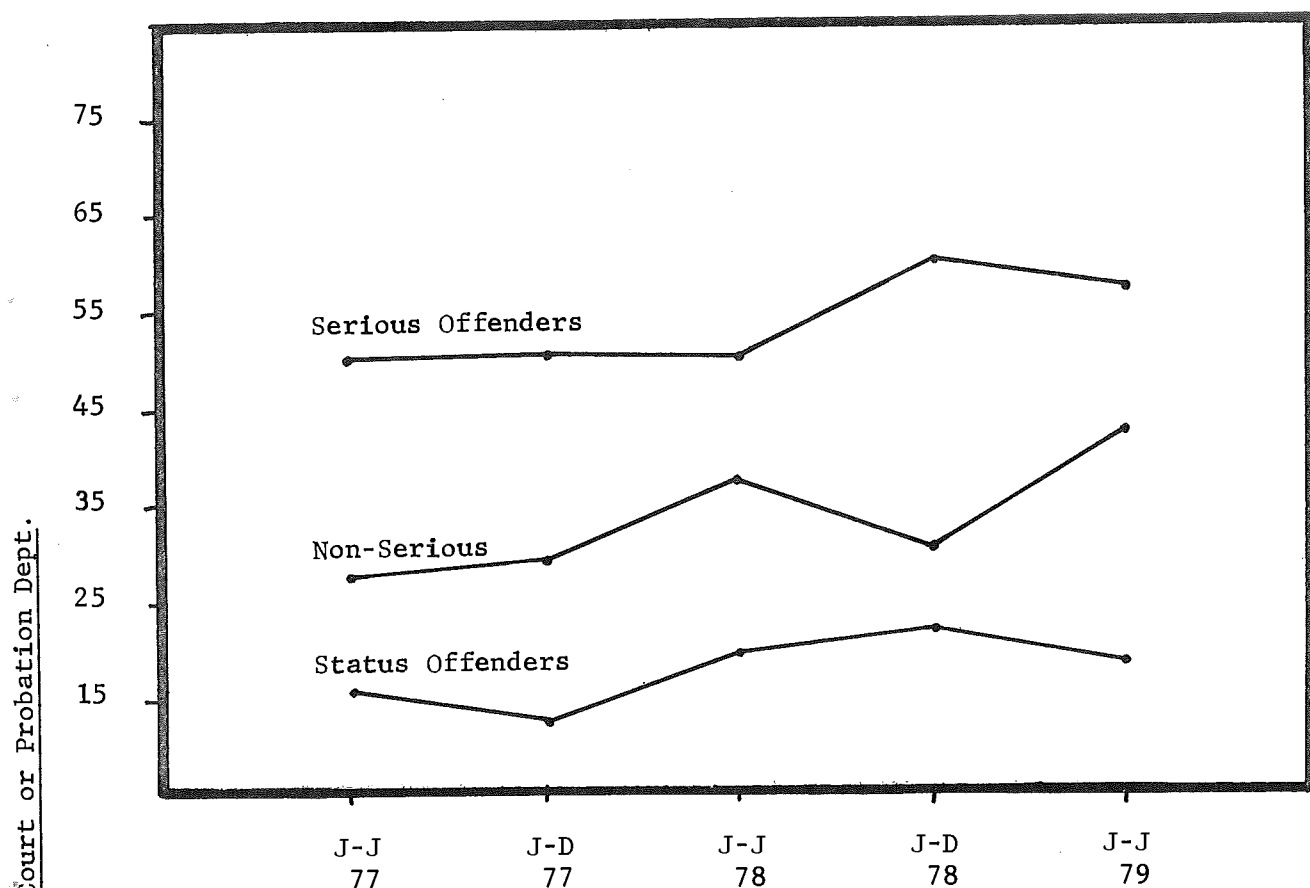
The number of juveniles arrested for serious offenses and released (diverted by the law enforcement agencies) decreased from 50% in 1977 to 40% in 1979.

The number of juveniles arrested for non-serious offenses and released, decreased from 70% in 1977 to 61% in 1979.

## Summary

Each year more and more juveniles are arrested. A supposition of the Code Commission, reflected in the Juvenile Code, was that many of these juveniles could be handled through a diversionary process administered by the intake workers, thus saving the expense of processing juveniles further into the juvenile justice system. Coupled with this support to divert youth came an inverse concern that because the intake worker offered viable diversionary programs and services; that youth who traditionally would have been sent home without being arrested, now would be arrested and referred to the intake worker. Thus the Code would appear to be attracting more juveniles into the system and not fewer. Prior to the Code these juveniles were in the system because they were being diverted by police, but there was no statistical mechanism to count them. The data, analyzed in six month increments over two and one-half ( $2\frac{1}{2}$ ) years, show that this is in fact, occurring. The significant changes in diversion rates (although DMH&C predicted a 25% change for police departments without Youth Aid Bureaus) were greater than anticipated.

COMPARATIVE ANALYSIS OF JUVENILE  
DISPOSITIONS BY OFFENSE TYPE PRE-POST CODE



		<u>Arrested</u>		<u>Released</u>		<u>Referred to Court or Probation Dept.</u>	
<u>Serious Offenders</u>				#	%	#	%
Code	Jan-Jun '77	3300		1656	50.2	1644	49.8
	Jul-Dec '77	3500		1698	48.5	1802	51.5
	Jan-Jun '78	3309		1619	48.9	1690	51.1
	Jul-Dec '78	3708		1748	38.9	1960	61.1
	Jan-Jun '79	3809		1556	40.9	2253	59.1
<u>Non-Serious Offenders</u>							
Code	Jan-Jun '77	1301		928	71.3	373	28.7
	Jul-Dec '77	1421		986	69.4	435	30.6
	Jan-Jun '78	1228		755	61.5	473	38.5
	Jul-Dec '78	1549		1034	66.8	515	33.2
	Jan-Jun '79	1667		941	56.5	726	43.5
<u>Status Offenders</u>							
Code	Jan-Jun '77	755		639	84.6	116	15.4
	Jul-Dec '77	889		749	87.2	140	12.8
	Jan-Jun '78	757		606	80.0	151	20.0
	Jul-Dec '78	778		592	76.1	186	23.9
	Jan-Jun '79	724		586	80.9	138	19.1

# Highlights

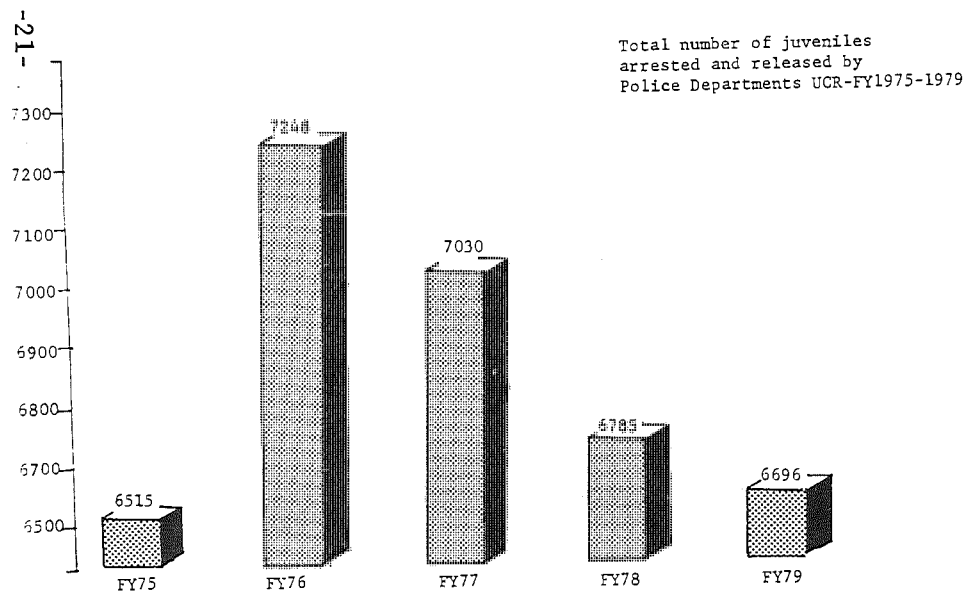
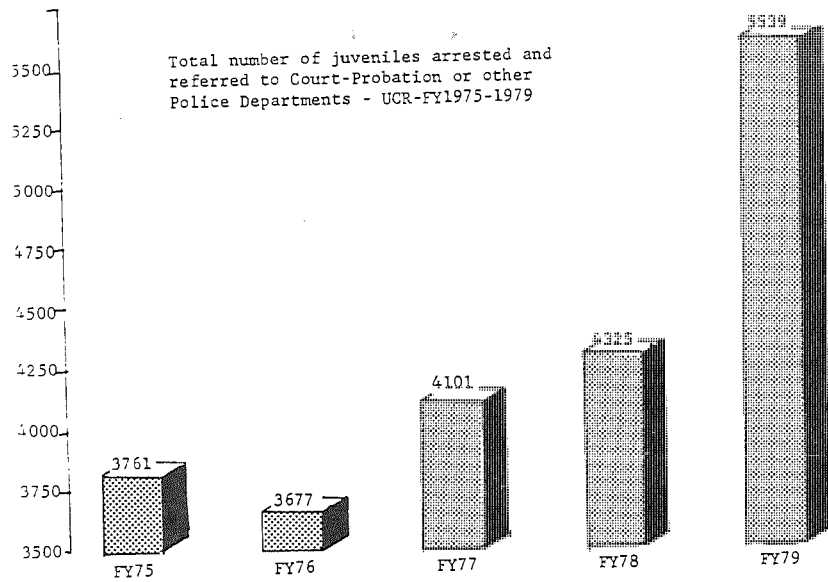
The number of juveniles arrested during the first year of the Code increased approximately 1,000 cases.

The number of juveniles referred to "court or probation department" i.e. intake, increased by approximately 1,000 cases.

The percentage of juveniles arrested and diverted by law enforcement agencies went from an average of 62% to 49% since the Code.

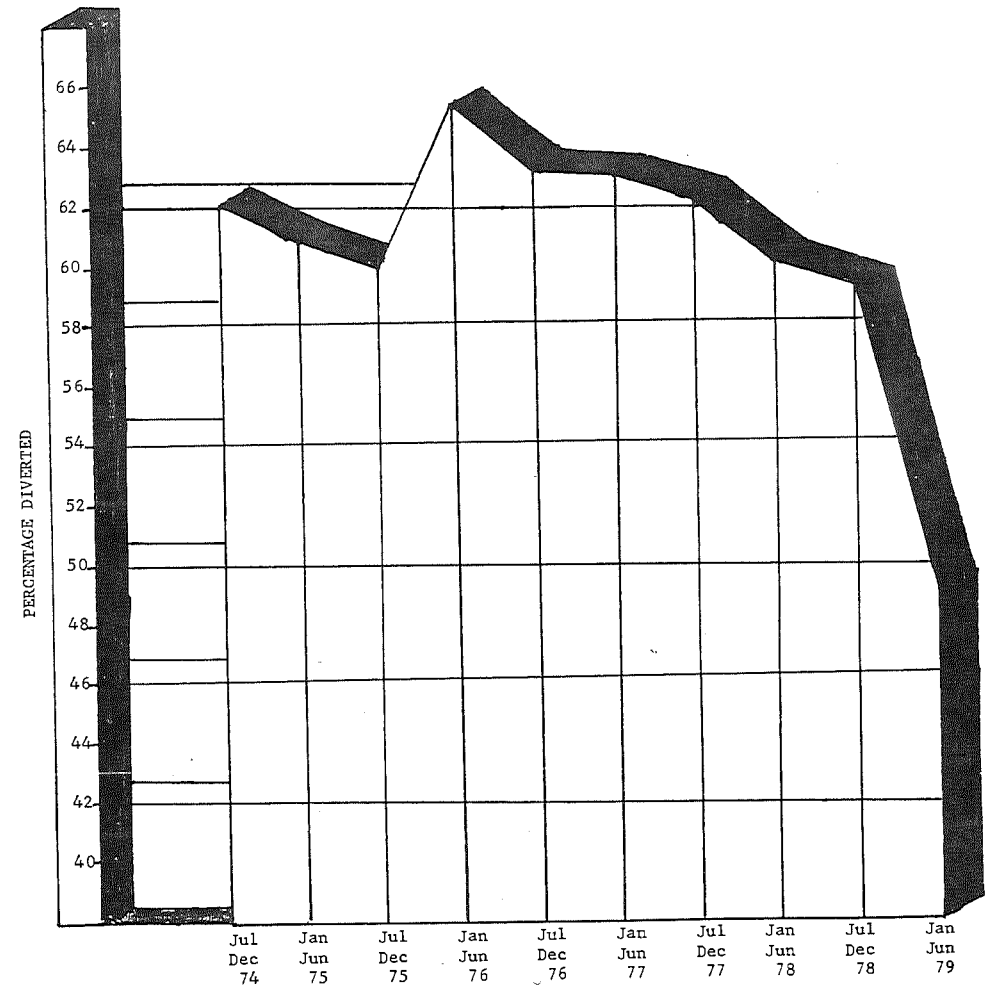
# Summary

Based on the preceding data analysis section is that it appears that one effect of the Juvenile Code has been that police agencies are arresting and referring more juveniles to the intake worker, probably for services. Since police arrests and referrals to court or probation department (intake workers) are considered part of the juvenile justice system, the Code appears to be attracting more juveniles rather than fewer into the system and not less.



SDA-Division of Planning - 1979

PERCENTAGE OF JUVENILES ARRESTED AND RELEASED (DIVERTED) BY LAW ENFORCEMENT AGENCIES IN SIX MONTH INCREMENTS SINCE 1974 TO 1979







JUVENILE DETENTIONS



## DETENTIONS

### Secure Detention at County Jail Facilities

The Department of Mental Health and Corrections has been genuinely concerned about the conditions of county jails since 1964 when jail inspections were mandated by the state legislature. The applicable public law has had, in fifteen years, five major amendments, each further specifying acceptable standards by which jails could operate. The most recent legislative amendment was enacted in 1975. The complete statute currently reads as follows:

34, MRSA, § 3

#### "Inspection of county jails; standards

The department may make frequent inspections of all county jails and shall inspect all county jails at least twice in each year and report annually, before December 1st to the Governor in respect to the conditions of said jails.

The commissioner shall establish standards for all county jails. Such standards shall approximate, insofar as possible, those established by the Inspector of Jails, Federal Bureau of Prisons.

Failure on the part of the county commissioners to maintain standards established under this section, discovered during any jail inspection conducted under this section, shall be reported by the commissioner in writing to the county commissioners of the county in which such jail is located, specifying deficiencies and departures from such standards and ordering their correction. It shall be the responsibility of the county commissioners to cause such deficiencies to be corrected and such standards to be restored, within 6 months from receipt of the report and order of the commissioner. For failure of the county commissioners to comply with such order, the commissioner may order the county jail to be closed and the prisoners transferred to the nearest county jail or jails meeting the prescribed standards and having available room for prisoners. The cost of transfer, support and return of such prisoners shall be paid by the county from whose jail and prisoners are transferred as provided in this section for other transfers. The commissioner may contract with any qualified person to serve as consultant to the department for the purpose of inspections under this section

and to inspect the county jails, and any law to the contrary notwithstanding, such qualified persons may be an officer or employee of the department.

The department, upon request of the sending sheriff and approval of the county commissioners, may transfer any prisoner serving a sentence in his jail to any other county jail to serve the balance of his sentence, or any part thereof, upon the approval of the sheriff and county commissioners of the receiving county. Cost of transfer or return of such prisoner shall be paid by the sending county. The amount to be paid for the support of the prisoner in the receiving county shall be at a rate agreed upon by the county commissioners party to the transfer, and shall be paid by the sending county.

The department shall have the same authority over local lock-ups as they have over county jails pursuant to this section." 7

Standards were developed and distributed, revised, strengthened and distributed again in February of 1977. Contained within these standards is a section outlining what is required of facilities that will hold and/or detain juveniles. This section reads as follows:

#### JUVENILES

- "1. Juveniles shall be segregated from the rest of the population so that there shall be no visual or audio contact.
2. Female juveniles shall be supervised by a matron in the same manner as the adult female.
3. Every effort shall be made by the sheriff to handle juveniles in some manner other than by incarceration.
4. Juveniles shall never be incarcerated in any county jail that has not been cleared by the Department of Mental Health and Corrections." 7

The new Juvenile Code placed further restrictions on detention facilities as stated in § 3202, Paragraph 7, A which states:

- "7. Restriction on place of detention. The following restrictions are placed on the facilities in which a juvenile may be detained.

- A. An intake worker or a juvenile court judge may direct the delivery of an arrested juvenile to a jail or other secure facility intended or used for the detention of adults only when the receiving facility contains a separate section for juveniles, is one in which the juvenile would have no regular contact with adult detainees or inmates and has an adequate staff to monitor and supervise the juvenile's activities at all times."

In 1980 the Bureau of Corrections will be working with county officials to substantially revise its County and Municipal Jail standards, putting the State's standards in conformance with newly developed American Corrections Association Standards.

There has been considerable debate concerning the issue of exactly what the impact is upon a youth who is detained in a secure facility. Studies range from findings of documented lengthy trauma to very short-term inconvenience. An overwhelming common theme to all studies, however, is that for the non-assaultive/dangerous, habitual or absconding offender there exists little benefits, and if anything, detriments to the youth and the family in human costs and to the system in financial costs. This finding becomes more pronounced as substandard holding conditions increase.

The Department of Mental Health and Corrections expected (and projected) an immediate drop in the number of juveniles securely detained once the Code became effective. The actual projection by the Department of Mental Health and Corrections was that a reduction of 25% would occur during the first year, with an additional 25% reduction for the second year. The reason for this expected drop in detentions was because of the number of less serious juvenile offenders that were being detained in secure facilities prior to the Code. Three of the five detention criteria contained in the Code have to do with the probability of some form of violence and the Code is specific in its "least restrictive" mandate.

Since the less serious juvenile offender is being arrested for a non-violent offense, the Department expected a substantial reduction in the number of detentions in this category. The data shows, however, that there has been little effect on the detention patterns by police departments and sheriffs' offices.

# Highlights

The number of juveniles initially detained by law enforcement in County Jails has significantly increased in four years and since the Code.

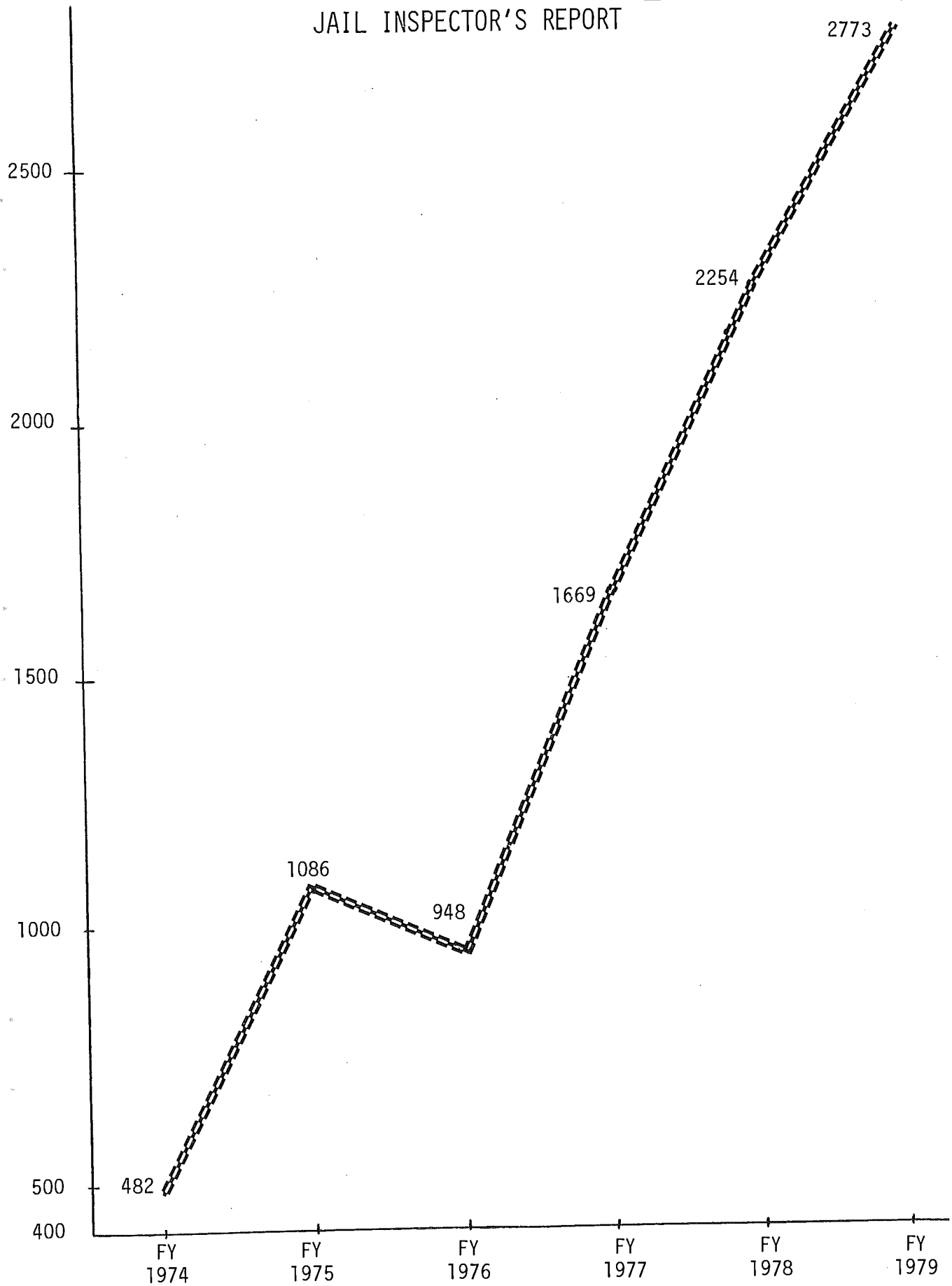
## Summary

Further concern regarding the impact of the Juvenile Code is reflected in the County Jail detentions of juveniles. The Juvenile Code authorizes secure detentions of juvenile offenders for any one or combination of the five rather specific criteria. Three of the five criteria require some "harm" definition concerning the juvenile who is aggressive, intimidating, threatening or assaultive. One criteria deals with ensuring presence in court (absconding/runaway) and one deals with no parent or guardian to assume custody. However, these criteria apply to the decision by the intake worker who must, after being requested by police department to further detain a juvenile, authorize the continued lock-up. It was anticipated that the law enforcement community would also accept this criteria as their own and use it for determining initial detentions. This acceptance would have been reflected in a reduction of detention figures at the county jails. Instead, as seen on the following page, secure detentions of juvenile offenders have substantially increased both over the last few years and since the Code.

# Juveniles Detained at County Jails

FOR FY 1974 - 1979

JAIL INSPECTOR'S REPORT







DEPARTMENT OF MENTAL HEALTH & CORRECTIONS

BUREAU OF CORRECTIONS



## PURPOSE

The Bureau of Corrections, within the Department of Mental Health and Corrections, was established to return individuals committed to the Bureau's care to the status of full and free citizens more able to cope with the normal expectations of the community in which they live. The Bureau is responsible for the direction and general administrative supervision of the correctional programs within the Maine State Prison, the Maine Correctional Center, Maine Youth Center and the Division of Probation and Parole. The Bureau is authorized to adopt and implement rehabilitative programs, including work-release within penal and correctional institutions; to establish regulations for and permit institutions under its control to grant an inmate or prisoner furlough from the institution in which he is confined; to establish halfway house programs which provide an environment of community living and control pursuant to rules and regulations adopted by the Department of Mental Health and Corrections; to expend correctional institutional appropriations on persons within that portion of its sentenced or committed population participating in halfway house, pre-release, vocational training, educational, drug treatment or other correctional programs being administered physically apart from the institutions to which such persons were originally sentenced or committed for the purpose of defraying the direct and related costs of such person's participation in such programs; and, the Bureau of Corrections may provide or assist in the provision of correctional services throughout the State as authorized by Maine law. The Bureau is responsible for setting standards and inspection of municipal and county jails.

## ORGANIZATION

Prior to 1967, the State's penal and correctional institutions were autonomous units responsible directly to the Commissioner of Mental Health and Corrections. In 1967, the Legislature established the Bureau of Corrections to administer these units and, in 1969, a Division of Probation and Parole was created to administer Probation and Parole services. With a small administrative staff, the Bureau requires support and assistance from other divisions of the Department of Mental Health and Corrections.

## PROGRAM

The Bureau has 3 main focuses to its program.

1. Community Corrections. Since 1975, the Bureau of Corrections has been successful in its effort to secure funds to continue adult halfway houses to accommodate work releases from State institutions and county jails. A county jail furlough bill, supported by the Bureau, was enacted into law by the 107th Legislature.

A State-wide Correctional Improvement Program was enacted into law in 1975 to enable the development, expansion and improvement of correctional programs throughout the State and to encourage participation in such programs by persons, unincorporated associations, charitable nonstock corporations, local and county governmental units and State agencies.

The 108th Legislature merged this program with the Community Correctional Services program which in the past was used mostly for the purchase of services for youthful offenders.

2. Correctional Training Program. The 108th Session passed into law, with the Bureau's support, mandatory training for all correctional officers working in municipal, county, and state correctional facilities. The Bureau coordinated the development of the curriculum for this training with the cooperation of the county sheriffs and municipal jail staff to be conducted by the Maine Criminal Justice Academy.

3. Jail Inspections. The Department continues to set standards and inspect all county and municipal jails and detention centers. During fiscal year 1980, the 1979 Jail Inspector's Report was submitted to the Governor.

DEPARTMENT OF MENTAL HEALTH & CORRECTIONS  
PREVENTION PLAN 1980

Title 15, Chapter 11-A, Section 262, subsection 2 of the Maine Juvenile Code states:

"Planning. The Department shall prepare an annual plan for identifying, evaluating and meeting the service needs for the prevention of juvenile crime and the rehabilitation of juveniles adjudicated as having committed juvenile crimes."

I. Primary Prevention, as defined by the Juvenile Justice Advisory Group and agreed upon by the Department of Mental Health and Corrections "is an on-going, sustained process of promoting community conditions <sup>8</sup> that reduce the likelihood of illegal acts <sup>9</sup> committed by youth, particularly those youth with no previous formal <sup>10</sup> contact with the criminal justice system.

Secondary Prevention is promoting activities designed to reduce the incidence of further illegal acts by provision of direct services to juveniles who have had contact with the criminal justice system. Secondary prevention can also pertain to positive system change.

II. Diversion is the process of stopping further penetration into the criminal justice system by youth following an alleged illegal act. The process can consist of no further action on the development of specific programs as an alternative to the juvenile justice system.

III. Rehabilitation is the process of supportive change of behavior on the part of individuals in the criminal justice system by developing insights or skills, which will enable those individuals to cease criminal behavior. Secondary prevention can be part of rehabilitation, and the primary goal of diversion is rehabilitation.

The Intake Workers role is that of Diversion, Rehabilitation and Secondary Prevention.

The Juvenile Probation Officers' role is that of Rehabilitation and Secondary Prevention.

The Maine Youth Center's role is that of Rehabilitation and Secondary Prevention.

The above roles do occasionally overlap into primary prevention.

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<sup>8</sup> Circumstances or environments within communities which affect the commitment of youth to law abiding behavior (see "Strategies To Be Encouraged").

<sup>9</sup> Criminal and/or juvenile acts as defined by state and federal law.

<sup>10</sup> Law enforcement contact as a result of an alleged illegal act.

The DMH&C clearly recognizes its responsibilities and mandates in the areas of diversion, secondary prevention, and the rehabilitation, and these are the areas where the Department's maximum use of existing resources should be expended.

Westinghouse National Issues Center's Working Paper on Prevention, prepared for the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration within the U.S. Department of Justice, suggest that the areas of focus for primary prevention should be schools, work, and community programs and services, with most emphasis being placed in the Educational systems.

Because of the scope and complexity of primary prevention, the DMH&C does not feel it is the appropriate sole statutory agent for primary prevention with the State. It is, therefore, recommended that in order to establish a more productive, cohesive, and economical approach to primary prevention, the Department of Human Services and the Department of Educational and Cultural Services become jointly involved with DMH&C in this regard.

The DMH&C will attempt to form a committee comprised of representatives from DMH&C, DHS, DE&CS, and the JJAG. Technical assistance will be requested from the Maine Criminal Justice and Planning Assistance Agency (MCJPAA) and the Office of Alcohol and Drug Abuse Prevention (OADAP). This Committee should first develop a working Inter-departmental definition of prevention. Areas of prevention responsibility within each Department should be determined and specific programs developed. By jointly addressing these issues, a systematic, non-duplicative approach to primary prevention can be established. It is the recommendation of the DMH&C that the formation of this committee (and the stated goals) be given a high priority by each Department. It is further the recommendation of the Department, that, due to the long-range positive impact that a systematic prevention plan could have on the youth of the State, that members of Committee be comprised of Departmental Commissioners or their designee not to be at a lower administrative level than Bureau Director. The DMH&C will place both the Commissioner of Mental Health& Corrections and the Director of the Bureau of Corrections on this committee.

The Committee will report to the Governor and Legislature prior to the 1981 legislative session. This report will outline statutory changes which will more clearly define primary prevention responsibilities among the Departments and which will address specific primary prevention programs that are being or should be developed.

In addition, the committee will attempt to procure federal resources and direct appropriate existing resources for the purpose of initiating primary prevention efforts in various areas. The area of substance abuse and status offenses is a likely beginning.

## CORRECTIONAL SERVICES PROGRAM

In 1975, the 107th Legislature enacted a statewide Correctional Program Improvement Fund (P.L. Chapter 90 - 34 MRSA c. 62-A, s 535-537). The purpose of this Act was to enable the development, expansion and improvement of correctional programs throughout the State and to encourage participation in such programs by persons, unincorporated associations, charitable non-stock corporations, local and county governmental units and state agencies. In 1977 the Legislature eliminated this special revenue account and established the Correctional Services Account.

Since the inception of the program, the Legislature has appropriated \$657,335 (from July 1, 1975 to June 30, 1979). In the juvenile area, the Department has expended to date approximately \$120,000. For FY 1978-79, it is anticipated that the Department will have spent \$188,300 for juvenile services. The following programs have or will have been supported:

### 1. Treatment & Evaluation Units

These units provide consultative and direct mental health services to correctional clients in the community; they also screen, test and evaluate some new admissions and, when called upon, fulfill court orders for psychological examinations to determine legal competence, etc.

### 2. Little Brothers Emergency Shelter (Portland)

Huckleberry House, which started in early 1972, provides a structural environment for youths in trouble. It acts as an alternative to incarceration or less desirable residential placement, as well as a post-correctional care.

The Emergency Shelter serves adolescent males in need of shelter and crisis intervention on a short term basis. The program offers services on three levels: the actual physical shelter; crisis intervention, and client stabilization; long-term problem assessment and planning in conjunction with public and private agencies.

### 3. Fair Harbor (Portland)

The Y.W.C.A. Fair Harbor Emergency Shelter provides eight units of shelter, counseling, referral services and recreation to young women under eighteen years of age. The shelter is professionally staffed. Ninety to ninety-five percent of the residents are status offenders, referred primarily by law enforcement agencies as a diversion to the juveniles justice system and also by social service agencies. The facility serves as an alternative to institutionalization, receiving numerous referrals from juvenile court judges and probation officers.

### 4. Rumford Boys Home

Rumford Boys Home provides a structural environment for juvenile males, 10-16 years old. It acts as an alternative to incarceration.



5. Community Alcohol Services

The Youth Alternatives Program provides counseling, remedial education and recreation to Waldo County young people and is primarily oriented towards youth who are high-risk for juvenile delinquency and drug abuse. Y.A.P. is part of an alcoholism treatment and prevention agency which encompasses both Waldo and Knox Counties. During FY 77-78, they allocated 5 hours per week of direct services time to Knox County youths released from the Maine Youth Center. With the Waldo County youths, Y.A.P. was able to offer a strong program of re-entry services including individual and group counseling, job placement and tutoring for general equivalency diploma. Y.A.P. staff work closely with the Waldo County M.Y.C. aftercare worker to coordinate treatment.

6. Bangor/Brewer Y.W.C.A. Intervention Program

The goal of the Intervention Program is to reduce the rate of recidivism of its participants, of changing socially unacceptable, illegal behavior to socially acceptable, legal behavior. In instances where recidivism does occur, the program acts as a support for the individual providing the authorities and the court with information concerning the girls' needs and progress. Approximately 200 girls and women are in direct contact with the criminal justice system each year. The Intervention Program attempts to provide services that will meet the social, psychological and emotional needs of this population, particularly after an individual's first contact with the criminal justice system.

7. Christian Hill Home (Houlton)

Christian Hill Home provides a structural environment for juvenile males. It acts as an alternative to incarceration.

8. Horizon - Waterville Group Home for Youth

This group home also provides a structural environment for juveniles and acts as an alternative to incarceration.

9. Atrium - Group Home for Youth (Bangor)

Atrium is providing a highly structured program within a homelike setting for six (6) delinquents and delinquent prone boys and girls between the ages of 14 and 18 from Penobscot County. The home also has two emergency beds on a short term basis.

10. Y.W.C.A. Intervention Program (Lewiston)

This Intervention Program is designed as a full scale Intervention Center for adolescent females and their families. It offers individual counseling, family counseling and peer-group counseling. It provides educational, cultural and recreational activities. It assists participants with their home, social, academic and/or working environments. The program accepts referrals from and works in cooperation with the Lewiston and Auburn Youth Bureaus, Probation/Parole, school liaison officers and the Department of Human Services, and acts as a referral source for participants in need of special services.

11. Big Brothers/Big Sisters (Biddeford/Saco)

To pair adult volunteers, in regular friendship assignments, with boys & girls of single parent families with the purpose of helping children, between the ages of 5 & 17 to develop the kind of character and wholesome attitudes which will prepare them for responsible and productive adult lives.

12. Youth Alternatives

To provide a habilitative program for delinquent high risk youths in Knox & Waldo County. The goal of the program is to give them the tools to learn to control, and direct their lives in a positive manner.

13. Halcyon House

To provide a structured environment for youths in trouble, specifically in need of shelter and crisis intervention on a short-term basis. To stabilize and help adjust the individual to the events which precipitated placement in the shelter. To plan in conjunction with the referring agent in making a suitable placement and preparing the client for his or her future living situation.

14. Aroostook County Group Home

To provide a 24 hour home-like community based facility for juveniles; and to work intensively with the boy in the milieu and through individual, group and family counseling to re-unite the boy with his own family and home.

15. Community School

To develop the independent living skills necessary so the 'Youths-at-Risk' can live productively and independently upon graduation. The two major objectives to be accomplished are 1) obtain a high school diploma, and 2) obtain a full time job in the community.

16. Lewiston Group Home

An intermediate care facility designed to serve teenage youths who because of their emotional and social conflicts are in need of an alternative to their own homes, foster homes, or institutionalization. The group home offers an opportunity for the teenager to establish his/her own emotional distance from people without becoming enmeshed in a close family situation. This alternative allows the resident to remain in the community in order to reach his/her academic or vocational objectives.

17. Lincoln County Group Home

To provide a home atmosphere for a limited number of adolescents, under adult supervision without imposing a family structure. It focuses on the interaction and support peer relationships with guidance from the counselors. The principal objective is to provide a wholesome environment for the physical, emotional and spiritual development of young residents to enable them to become useful, productive and contributing citizens.



DEPARTMENT OF MENTAL HEALTH & CORRECTIONS  
JUVENILE INTAKE

## INTRODUCTION

The obvious single most important element regarding programs based on a rehabilitative model is the client-the type, history, activity and needs of the people the system is designed to deal with.

In the intake worker system, the entrance requirement, if you will, is that a juvenile must be suspected of committing a juvenile crime. At this point, the decision by the intake worker is made by weighing the needs of the client and the best interest of the community. The decision by the worker results in an individual treatment plan. On a larger scale, the "system's" treatment plan is based on information from the collection of client's needs and society's interests. To determine these needs and interests, data has been collected from a variety of citizens, service providers, intake workers, juveniles and their families. Through continued collection, analysis and responsiveness, the Department will continue to refine its responsibilities to the youth, their families, the community and the State.

## DATA COLLECTION

The Department reviewed client data from 5000 files in order to ascertain common elements concerning the youth referred for disposition. These elements are arranged throughout this plan in different groups and categories in order that the reader might better understand the juvenile justice system, its workings and its logic. As is true with any data in the justice system, there are gaps, there can be different interpretations and there can be presented so many qualifying caveats that any data is rendered useless. The Department is aware of this and has tried to present this data in the most accurate and honest way possible. It is to date the best, most comprehensive data base ever established in Maine regarding the totality of juvenile offenders. It is not the end-all, and efforts are being made by the Department to refine collection and analysis techniques. However, some of this data is currently available and it is the responsibility of the Department to present that data in a professional way. This report is an attempt to do that.

## PURPOSE

The purpose of Juvenile Intake is to provide a uniform statewide process for screening juvenile cases referred by Law Enforcement Agencies for formal adjudication proceedings. Through the screening/ investigative process Intake Workers ascertain which cases could be appropriately handled without involving the court system.

These juveniles and their families are afforded an opportunity to participate in an Informal Adjustment. Informal Adjustment is a voluntary agreement between the Intake Worker, the juvenile, and the parents. As part of the Informal Adjustment the juvenile and parents agree to abide by certain conditions. Examples of conditions of Informal Adjustment are agreements to participate in drug counselling programs, enrollment in remedial reading programs, work or monetary restitution.

During the process of Informal Adjustment, Intake Workers act as "Brokers of Service" with other agencies who have an established expertise in a specific area in which the juvenile is in need of assistance.

Juvenile Intake also determines whether or not a juvenile should be detained when initially arrested by police. These detention decisions are based on the five detention criteria outlined in the Juvenile Code. The detention decision is reviewed by the Juvenile Court within 48 hours, excluding weekends and holidays.

Juvenile Intake is additionally responsible for the emergency placement of runaways.

To facilitate immediate response in the areas of detention and runaways, the 21 Intake Workers participate in a 24 hour-a-day, 7-day a-week duty system.

#### ORGANIZATION

The Division of Juvenile Intake was assigned to the Bureau of Corrections in June of 1978. The staff is comprised of 21 Intake Workers, four clerical and one Manager of Juvenile Intake. As no supervisory staff, other than the Manager of Juvenile Intake, was allocated by the Legislature, Intake Workers are currently under the Administrative structure of the Division of Probation and Parole.

#### INTAKE ACTIVITIES/REFERRALS

The intake worker, upon receiving a youth from the law enforcement community, must make the determination as to:

"whether the interest of the juvenile or of the community requires that further action be taken." <sup>11</sup>

On the basis of a preliminary investigation, conducted by the intake worker, the Code provides for three options

- "A. Decide that no further action is required, either in the interest of the public or of the juvenile;
- B. Make whatever informal adjustment is practicable without a petition;  
or
- C. Request a petition to be filed." <sup>12</sup>

<sup>11</sup> 15 M.R.S.A. Chapter 507, § 3301

<sup>12</sup> 15 M.R.S.A. Chapter 507, § 3301

### No Further Action

"A. Decide that no further action is required either in the interest of the public or of the juvenile. If the Intake Worker determines that the facts in the report prepared for him by the referring officer, pursuant to Section 3203, Subsection 3, are sufficient to file a petition, but in his judgement the interest of the juvenile and the public will be served best by providing the juvenile with services voluntarily accepted by the juvenile and his parents, guardian or legal custodian if the juvenile is not emancipated, the Intake Worker may refer the juvenile for that care and treatment and not request that a petition be filed." <sup>13</sup>

The Intake Workers received 4905 juvenile referrals during FY 1979. Of these, 696 or 14% were handled through "no further action". Almost all of these youths were of the D and E offense category (less serious), and on the average, younger juveniles. The number of decisions for no further action, when broken down by 3 month increments, has been steadily declining since the Code:

<u>Time From</u>	<u>Number handled through no further Action</u>
July-September-1978	216
October-December 1978	182
January-March-1979	134
April-June-1979	127

The Department is unsure as to why this decrease is continuing and will continue to measure this decision option over the next year for indications.

### Informal Adjustment

"B. Make whatever informal adjustment is practicable without a petition. The Intake Worker may effect whatever informal adjustment is agreed to by the juvenile and his parents, guardian or legal custodian if the juvenile is not emancipated. Informal adjustments shall extend no longer than 6 months and informal adjustments shall not be commenced unless:

(1) The Intake Worker determines that the juvenile and his parents, guardian or legal custodian, if the juvenile is not emancipated, were advised of their constitutional rights, including the right to an adjudicatory hearing, the right to be represented by counsel appointed by the court if indigent;

(2) The facts establish prima facie jurisdiction, except that any admission made in connection with this informal adjustment cannot be used in evidence against the juvenile if a petition based on the same facts is later filed.;

(3) Written consent to the informal adjustment is obtained from the juvenile and his parents, guardian or legal custodian if the juvenile is not emancipated; and

(4) It has been determined that the juvenile within the preceding 12 months had not been adjudicated, or had not entered into another informal adjustment."

The core of the diversionary options available to the Intake Worker is the category informal adjustment. Under this program, the juvenile and his/her parent(s) agree to participate in programs consisting of certain conditions prescribed by the procedural manual as developed by the Department. The conditions available are:

1. meet with the Intake Worker at specific times;
2. engage in cash or service restitution;
3. attend school or employment;
4. engage in counseling/treatment programs.

The purpose of these conditions are primarily to regulate the youth's behavior in order that additional services can be offered. All informal adjustment clients received as a condition that they meet with the Intake Worker periodically. It is at these meetings that additional needs are identified and services delivered. A major service, aside from the counseling and referral done by the intake workers, is the program of restitution.

During FY 1979, 1980 juveniles or 39% of the total referrals were placed on informal adjustment. As mandated by the Code, informal adjustments cannot last longer than six months. Times agreed upon by the intake worker, the juvenile and his/her parents depend upon the program which is designed for that offender. The majority of juveniles are on informal adjustment for the entire six months. The distribution by numbers and time is as follows:

Weeks	<u>4</u>	<u>8</u>	<u>12</u>	<u>16</u>	<u>20</u>	<u>24</u>
Numbers	47	49	242	187	386	1009

The success of informal adjustment is defined by the Department as successful completion. It is the purpose of the Intake Worker to get the juvenile into a meaningful program and have the juvenile successfully complete that program.

To date, 1140 juveniles have participated and successfully completed the informal adjustment. Twenty-two juveniles have been unsuccessful, 11 of those committing new offenses and 11 violating the informal adjustment contracts. The successful completion rate is 98%.



## RESTITUTION

A major shortcoming of the criminal justice system has been that in the process of arrests, legal rights, proceedings and adjudications, the victim is frequently overlooked. Yet, it is the victim that must testify, write the affidavits, make the identifications and most importantly, suffer the loss of the criminal act. The Department has been actively pursuing the idea of restitution (paying the victim back) as an integral part of "treatment" with its probation and parole clients for years. The Department of Mental Health and Corrections has continued this commitment to both the victims and the responsibility of the offender through the Intake Worker System.

Restitution can be viewed as an important rehabilitative tool as it demonstrates to the juvenile that he/she is responsible for his/her actions. Restitution is also important because it considers the plight of the often forgotten victim.

The Department of Mental Health and Corrections plans to continue its restitution programs. This involves monetary and public service projects.

The projects provide a valuable community service and at the same time develop a sense of responsibility and accomplishment for the juveniles involved.

Since July 1, 1978, 1,000 juveniles have participated in restitution programs throughout the State and have returned almost \$35,000 to victims or charities.

In addition to monetary restitution, Intake Workers have pursued forms of work restitution in which, to date, juveniles have participated and provided over 7,000 hours of public service.

This program has provided a valuable community service, but also has developed a sense of accomplishment and responsibility for the youth involved.

## PETITIONED TO COURT

The final option available is for the Intake Worker to request that a juvenile petition be filed for a juvenile court hearing. Of the 4905 cases referred to the intake worker, 2322 (47%) were thought serious enough to warrant the filing of a petition. These juveniles were on the average, older and committed the most serious offenses. Approximately 20% (600 cases) had committed at least one prior offense, some as many as three. As witnessed by the data from the District Court of the State of Maine, 3669 juvenile cases were handled from July 1, 1978 to June 30, 1979. The discrepancy between the two figures (1300 cases) can probably be

explained by one of the following reasons:

1. Juveniles arrested in the month prior to the Code (June 1978) had been brought to trial during the first month of the Code (July 1978) and thus counted in the court data. Since approximately 500 cases a month were handled by the court, the discrepancy is reduced to 800.
2. The district court heard 215 juvenile cases and ordered during that hearing that a diagnostic evaluation be performed at the Maine Youth Center. These juveniles were then sent to MYC for periods of up to 30 days and then returned. It is probably that this second hearing is counted as a new case for the purposes of the court. The discrepancy is now approximately 600.
3. Some juveniles are multiple offenders and may, in fact, have two separate hearings for two offenses on one petition.
4. Finally, some hearings may last weeks because of delays. This is particularly true concerning the difficulty in witness appearance, evidence preservation and new evidence gathered. Since each continued hearing requires the same effort from the court as a new hearing, it is suspected that these are double counted.

The 3669 juvenile cases heard by the District Court represents a significant decrease in court case load as seen on the following pages.

# Highlights

The average number of juveniles petitioned and tried in juvenile court decreased by 1900 cases during the first year of the Juvenile Code.

This decrease represents a 34% reduction of the juvenile caseloads in Maine District Courts.

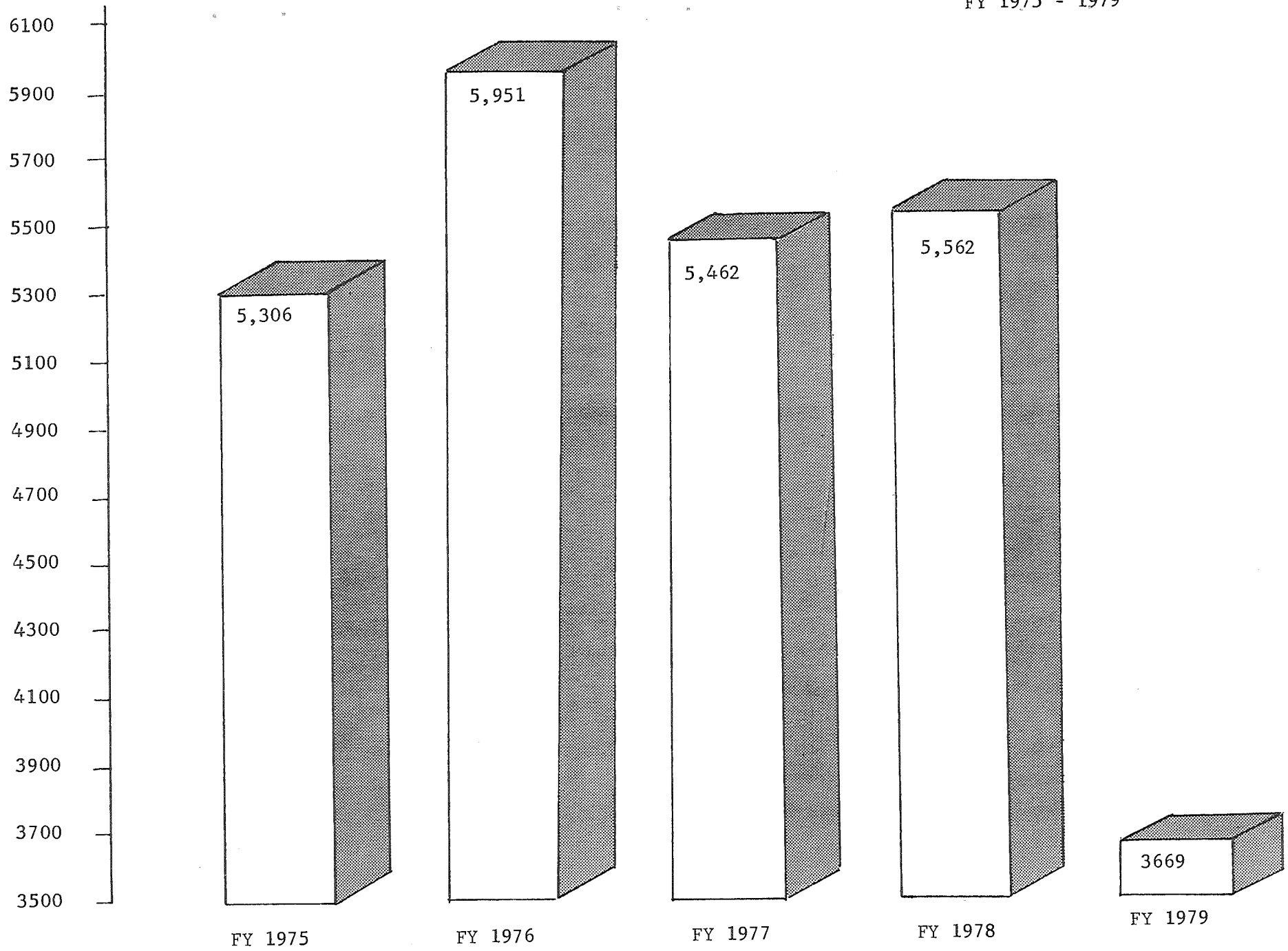
## Summary

The number of juveniles who have been petitioned to court over the past three years has been keeping pace with rising juvenile arrest rates. This increase has been constant and projections for fiscal year 1979 would be around 5,650 cases without the new Juvenile Code. Because of the Code, however, the Department of Mental Health and Corrections recalculated the expected caseloads and projected that approximately 1,000 cases would be reduced from the court dockets. The projected case decrease would be primarily restitutionable offenses; i.e. burglary, theft, larceny and other crimes where a juvenile could pay the victim back. It was (and is) felt by the Department that attempts at keeping the victim "whole" through work and in many cases cash payment is an important part of the treatment process necessary in criminal acts. The Department believes that the expense of taking a juvenile to court, when other supervised alternatives such as restitution exists, is not the best solution to the State, the victim and the offender.

Since studies show that the cost of processing a juvenile through the courts ranges from \$170 to \$200 per case, the Department feels this reduction in caseloads will save the District Courts in Maine not only time, but expense as well. It should allow for speedier hearings for cases petitioned to court and for more time to be spent on serious offenses. It appears from the 15 month's data that the projected reduction of court cases was substantially exceeded.

JUVENILE COURT CASELOADS  
FY 1975 - 1979

-64-



## SOCIO-ECONOMIC CONDITIONS

### REFERRALS TO INTAKE

A mainstay of the Juvenile Code, both implied and mandated, is that justice should be equitable, free from personal prejudices.

There is one general hypothesis which has been advanced over the past several years concerning this "justice" system. This is that the justice system, has a built-in bias against juveniles who are under-educated, poor and single parent families. Arguments have ranged from "they commit most crimes" to "the system imposes its middle class values". The only data in Maine which supported the issue that a disproportionate number of poorer, under-educated, broken-home children end up at the Youth Center, comes from the Children and Youth Services Planning Project, February 1977. Within that report the following findings were displayed:

<u>Family Income</u>	<u>MYC</u>	<u>State Total</u>
Under \$5,000	48.4%	28.1%
\$5,000 - \$10,000	36.3%	43.2%
Over \$10,000	15.2%	28.7%

<u>Family Composition</u>	<u>MYC</u>	<u>State Total</u>
Juveniles who are from single parent families	60%	24%

Similarly, within that same report and quoted from the Department of Education and Cultural Services, the Maine Youth Center population was:

13% - major educationally handicapped - (retarded, learning disability, physical impairment)

87% - emotionally disturbed

Many of these juveniles at MYC were approximately 2 years behind their educational counterparts due to educational limitations resulting from their emotional disturbance.

It has been almost impossible to accurately assess whether these juveniles who are disproportionately placed at the Youth Center were also disproportionately committing crimes, being arrested, being sent to court or being sentenced.

Since the CYSPP data showed that a disproportionate number of these juveniles (poor/single parent) ended up in the system at the Youth Center, the Department conducted an analysis of Intake Worker data in order to determine whether a similar disproportionate number began in the system.

As illustrated below, analysis was done 3 months into the Code and again at 12 months. Also illustrated by this data is that although the \$10,000 or under family income represented 40% of the state's general population, it represented 48% of those referred to the Intake Worker. Although at this time the data is inferential, there appears to be a higher proportion of poorer juveniles (families) being referred to the Intake Worker by law enforcement agencies.

<u>Family Income</u>	<u>Referrals to Intake</u>		<u>State Totals</u>
	<u>3 mos.</u>	<u>12 mos.</u>	
Under \$5,000	20%	18.6%	12.5%
\$5,000 - \$10,000	29%	28.9%	27%
\$10,000 - \$15,000	22.5%	21.5%	26%
\$15,000 - \$20,000	14.5%	15.6%	17%
Over \$20,000	14%	14.6%	17.5%

The extension of this scenario is consideration of family composition and it's effect upon or relationship to income, the hypothesis is that the poorer, single parent families are being referred into the system in a disproportionate number. For this analysis, four categories of family composition were used:

1. two adults present; and married;
2. two adults present and unmarried;
3. one adult present;
4. other--emancipated, and/or married juveniles.

Data for the first year (see below) shows that 80% of the juveniles referred to the Intake Worker are from a one-adult present (single parent) family have household earnings less than \$10,000, compared to 71% for the 2 adults not married, 70% for the other, and a significant 33% for the two adults, married.

<u>Family Composition</u>	<u>Family Income</u>		
	<u>less than \$10,000</u>	<u>\$10,000 to \$20,000</u>	<u>Over \$20,000</u>
2 Adults; Married	32.9%	46.7%	20.3%
2 Adults Not Married	70.8%	18.7%	10.4%
1 Adult	80.1%	18.7%	1.1%
Other	69.7%	30.3%	0%

Inversely, higher income brackets belong to the 2 adults both married, 2 adults not married, 1 adult and other category respectively. The data, at this point, is an indication that single parent families represent a disproportionate number of low income families, and that this group is disproportionately ending up in the juvenile justice system. However, the question of system biases remains unanswered, for the issues of, "is this group committing more crimes?" or "more serious crimes?", remains a critical element. There is no known way to determine whether these juveniles from single parent, poorer families are committing more crimes. However, data was collected at the point of referral to the Intake Worker as to the seriousness of crimes committed by family composition. The findings do shed some light on the questions raised by the preceding data.

Offenses were separated into two categories: classes A, B and C, (considered the more serious crimes); and classes D and E (considered less serious). A cross tabulation of family composition with offenses shows the following:

<u>Family Composition</u>	<u>Referred for Class A, B &amp; C</u>	<u>Referred for Class D &amp; E</u>
2 Adults/Married	22%	78%
2 Adults/Not Married	21%	79%
One Adult	25%	75%
Other	23%	77%

Thus, at least some of the disproportionate number of juveniles from single parent, low income families being referred into the Intake System can be explained by the above data, since a higher percentage of these juveniles are being referred for the more serious offenses.

The Intake Workers, once receiving the client for referral, have the choice to make one of three decisions, two of which (no further action/dismiss and informal adjustment) are a diversion from the "system". The third, petition to court, is self-explanatory. Analysis of the decisions by Intake Workers show that for both income and family composition decisions are equitable.

FAMILY INCOME

12 MONTHS OF CODE

	<u>No Further Action</u>		<u>Informal Adjustment</u>		<u>Petitioned to Court</u>		<u>TOTALS</u>	
	#	%	#	%	#	%	#	%
Under \$5,000	38	12%	228	68%	68	20%	334	100%
\$5,000-\$10,000	38	7%	373	72%	110	21%	521	100%
\$10,000-\$15,000	38	10%	282	73%	67	17%	387	100%
\$15,000-\$20,000	27	10%	196	70%	35	13%	258	100%
Over \$20,000	<u>33</u>	13%	<u>194</u>	74%	<u>35</u>	13%	<u>262</u>	100%
TOTALS	174		1273		315		1762	

15 MONTHS INTO CODE

	<u>Juveniles with both parents</u>		<u>Juveniles with one parent</u>	
	#	%	#	%
No further action	252	14%	91	12%
Informal Adjustment	1193	64%	485	62%
Petitioned to Court	<u>408</u>	<u>22%</u>	<u>204</u>	<u>26%</u>
TOTALS	1853	100%	780	100%

There is, however, a very slight shift in the decisions made by the Intake Workers in relationship to family composition. As noted above, the percentage of juveniles from single parent families petitioned to court has gone from 23% three months into the Code to 26% after one year into the Code. Similarly, the percentages of those who received informal adjustment and no further action have slightly decreased.



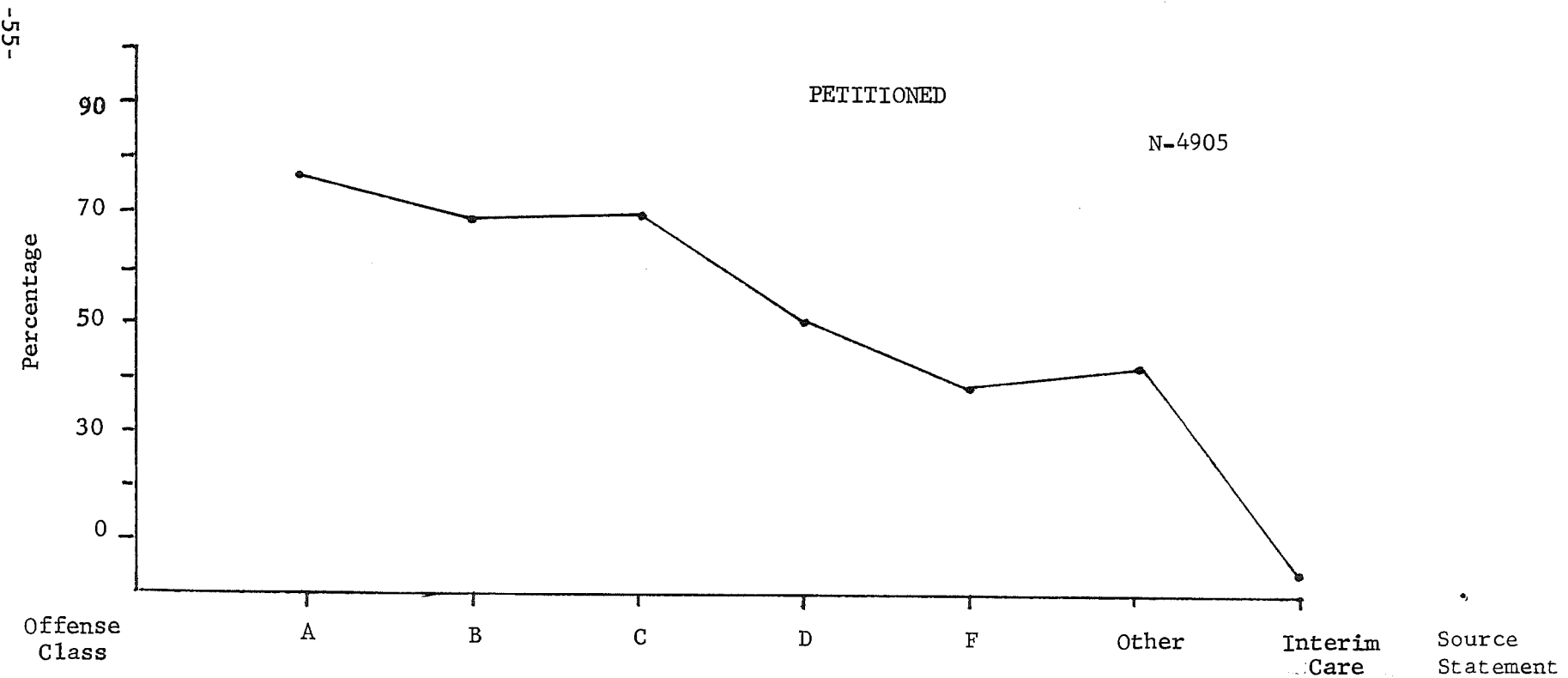
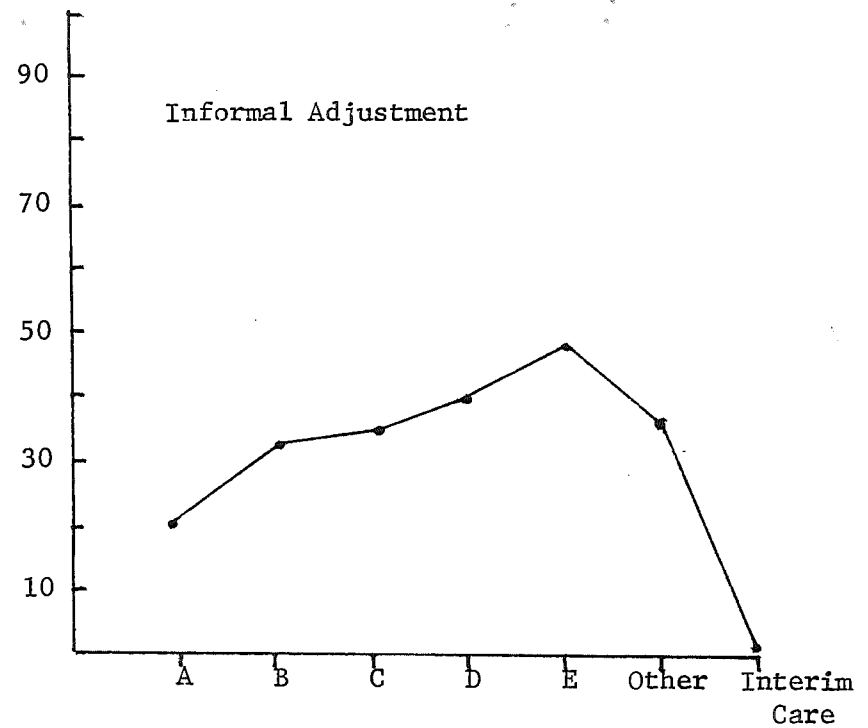
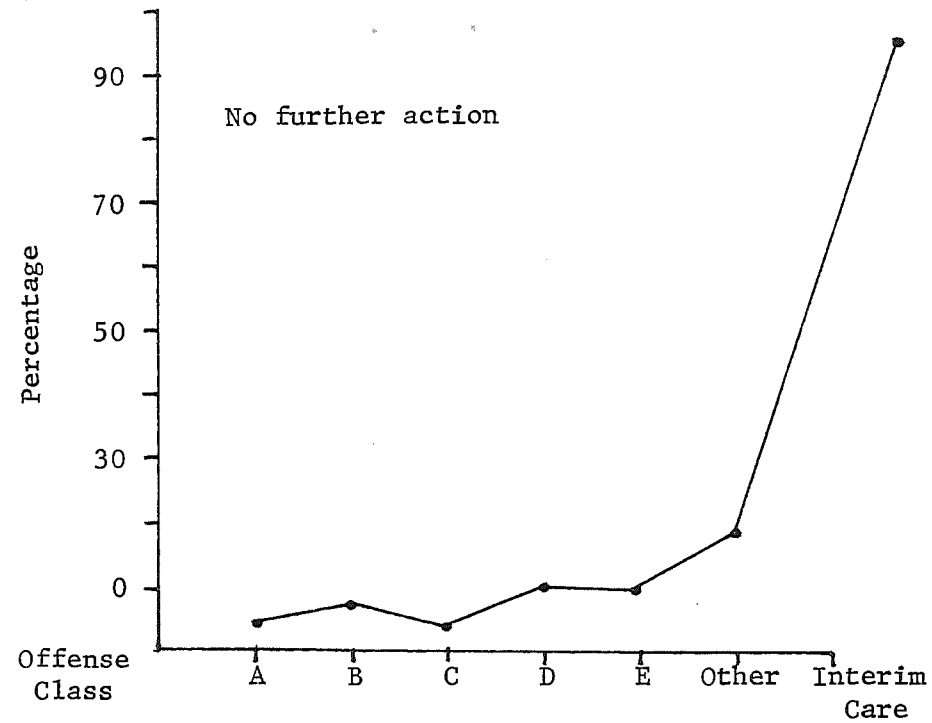
# Highlights

The more serious the offense committed by the juvenile, the more likely a petition to court will result.

The less serious offenses are being primarily handled through informal adjustment programs.

# Summary

The Intake Workers conduct a preliminary investigation on juveniles who are referred to them, and uses in that investigation information regarding prior record, attitude of victim and offender, employment and educational status. Additionally, the current offense charged is an obvious consideration. The data shows that there is a direct and positive correlation between the seriousness of the offense and the probability of having a petition filed. Inversely, the less serious offenses are proportionately being diverted from the formal juvenile justice system.



## JUVENILE DETENTIONS

Authorized by the  
Intake Worker

The Juvenile Code contains five reasons a juvenile may be detained:

"C. Detention, if ordered, shall be in the least restrictive residential setting that will adequately serve the purposes of detention. Detention may be ordered only where it is necessary to:

1. Ensure the presence of the juvenile at subsequent court proceedings;
2. Provide physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise and care for him adequately;
3. Prevent the juvenile from harming or intimidating any witness, or otherwise threatening the orderly progress of the court proceedings;
4. Prevent the juvenile from inflicting bodily harm on others; or
5. Protect the juvenile from an immediate threat of bodily harm."

After the initial detention by law enforcement agencies the arresting department must contact the Intake Worker (if longer term detention is thought necessary). To determine the effectiveness of the Code and the resultant decision by the Intake Worker, an analysis was conducted on the first twelve months of the Code's implementation, July 1978 through June 1979.

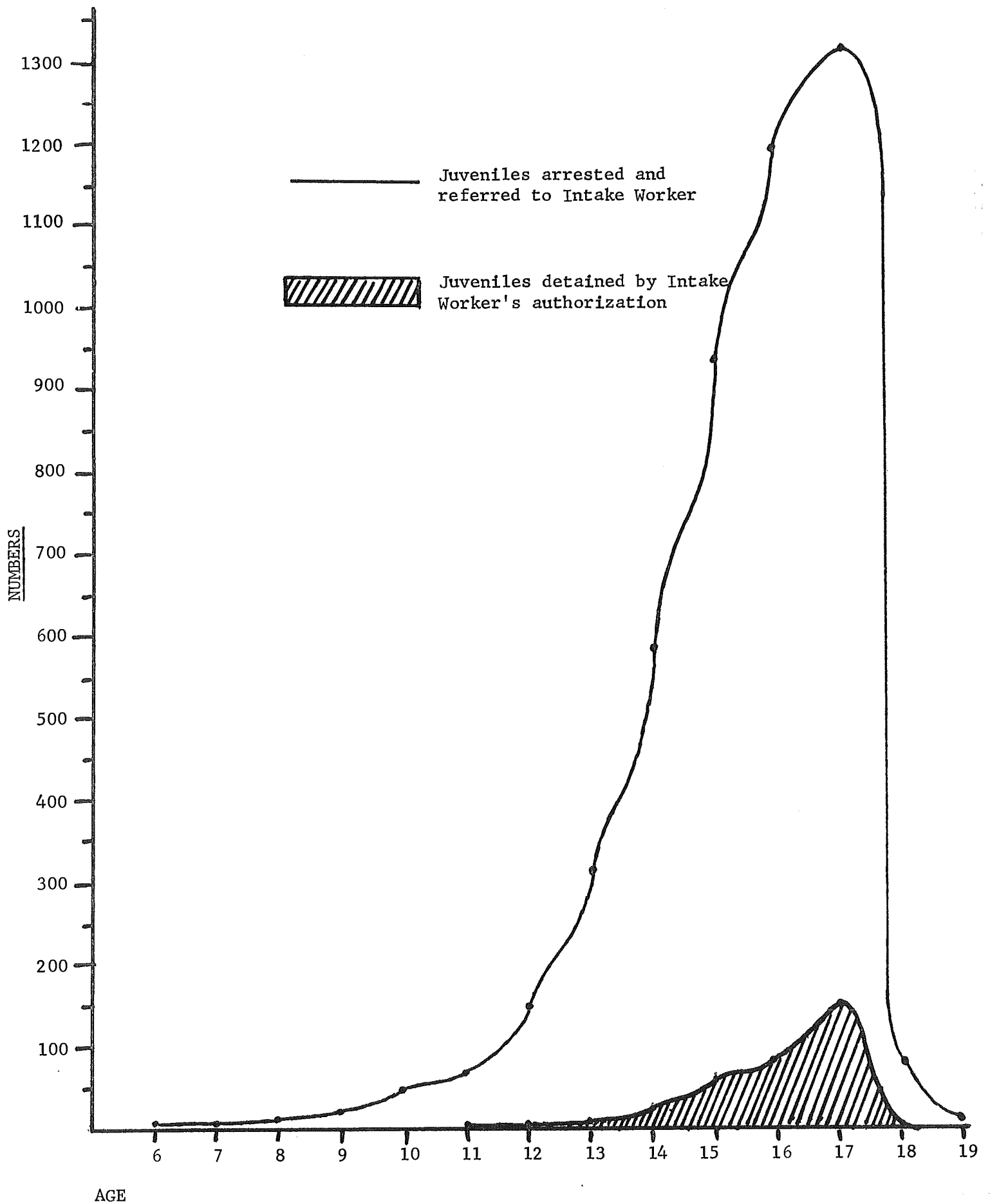
During this period of time, the Intake Workers authorized the continued detention of 402 juveniles. Of these 402 detained juveniles, 61% were detained for "cannot return home". Nineteen percent (19%) were detained under three "harms" criteria and 20% for ensuring presence. The concern raised by this data is that almost all of the juveniles detained, because parents were not immediately available, spent the time in a secure lock-up and not in some alternative arrangement such as group homes or emergency shelters. The statement from this data is that juveniles who could be released are being punished (locked-up), not for the crime but for something totally out of their control. The additional mandate of the "least restrictive place" within the Code further demonstrates the questionability of these detentions.

There is a major concern regarding the inappropriate secure detentions of juveniles. A survey was conducted in September/October of 1979 covering six police departments and nine county jails. It was discovered during this survey that a total of 3,671 juveniles were detained during FY 1979 (July 1, 1978 to June 30, 1979). Of these, 1,788 (49%) were detained for over six hours. Sixteen-hundred ninety (1,690) of these were detained for over 24 hours. Detentions of this length require the approval of an Intake Worker and after 48 hours a judicial hearing is held to determine if continued detention is justified. Data from the Intake Workers shows that approval for continued detentions was given in 402 instances. This means that approximately 1,300 juveniles were detained over 24 hours in secure facilities without the Intake Worker's knowledge or approval. It is the Department's position that detentions (over 24 hours with no contact with Intake Workers) are in violation of the Maine Juvenile Code. The Department will, over the next few months, attempt to remedy this situation.

The Department of Mental Health and Corrections did not foresee the extended use of "cannot return home because no suitable parent available" criteria and thus, recommends that an alternative detention program be established within the "test pilot" area. The specific approach of this alternative detention program will be the creation of a volunteer network of homes, available to temporarily house juveniles for short periods of time (usually a few hours) until parents can be located. It is critical that the very short term non-assaultive child be designated for placement in this program. The estimated need would be approximately five homes in each county willing to handle 10 juveniles each over a course of a year. The estimated impact would be 800 juveniles kept out of secure detention facilities, with a small investment of volunteer effort.

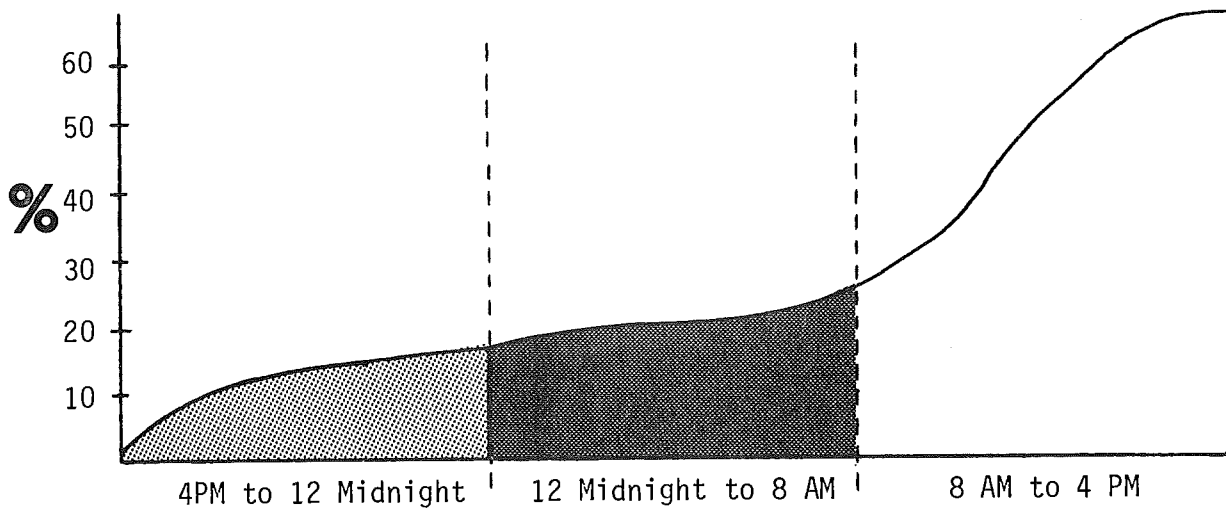
In order for this informal placement to occur, several issues need to be addressed with the Department of Human Services. First, since DHS has the licensing authority for foster homes, provisions would be necessary for licensing or waiver of licensing requirements. People who are interested in being "good neighbors" are basically not interested in DHS inspections, regulations or reimbursement for provision of emergency foster care. Second, DHS should be asked to share their list of existing, licensed emergency foster homes with intake workers throughout the state. Both of these issues are more completely described in an issues paper which will be provided to the Residential Group Care Committee of the Inter-Departmental Committee (IDC). The objective is development and implementation of joint service agreements, including resolution of licensing for short-term emergency foster care issues.

NUMBER OF JUVENILES ARRESTED AND DETAINED BY AGE - FY1979



### TIME

There are three time periods used for this analysis based upon general police shifts - 12 midnight to 8:00 a.m.; 8:00 a.m. to 4:00 p.m.; and 4:00 p.m. to 12 midnight. The percentage of calls to the Intake Workers within those time frames are as follows:



The interesting note from this data is that over one-third of the Intake Worker contacts, approximately 1,000 youth, occur after normal working hours and are responded to in a timely fashion. A strength of the Intake System is its ability to respond during critical time frames, when youth are in a crisis situation.

### Offense

An additional analysis of the types of offenses requiring Intake Worker contacts by time present some interesting results.

For example, 61% of interim care youth (abused, neglected or runaways) are referred to the Intake Worker after normal working hours, the highest number of being referred during the hours of 4:00 p.m. to 12 midnight. Inversely, only 24% of the juvenile status offenders (alcohol, marijuana possession) are referred to the Intake Worker during this same time frame.

<u>TIME/OFFENSE</u>	<u>INTERIM CARE</u>	<u>STATUS</u>	<u>OTHER</u>
8:00 a.m. to 4:00 p.m.	47	171	1,737
4:00 p.m. to 12 midnight	64	36	474
12 midnight to 8:00 a.m.	25	17	331

The remaining offenses were expected to have a high referral rate during hours of daytime operation.

## Highlights

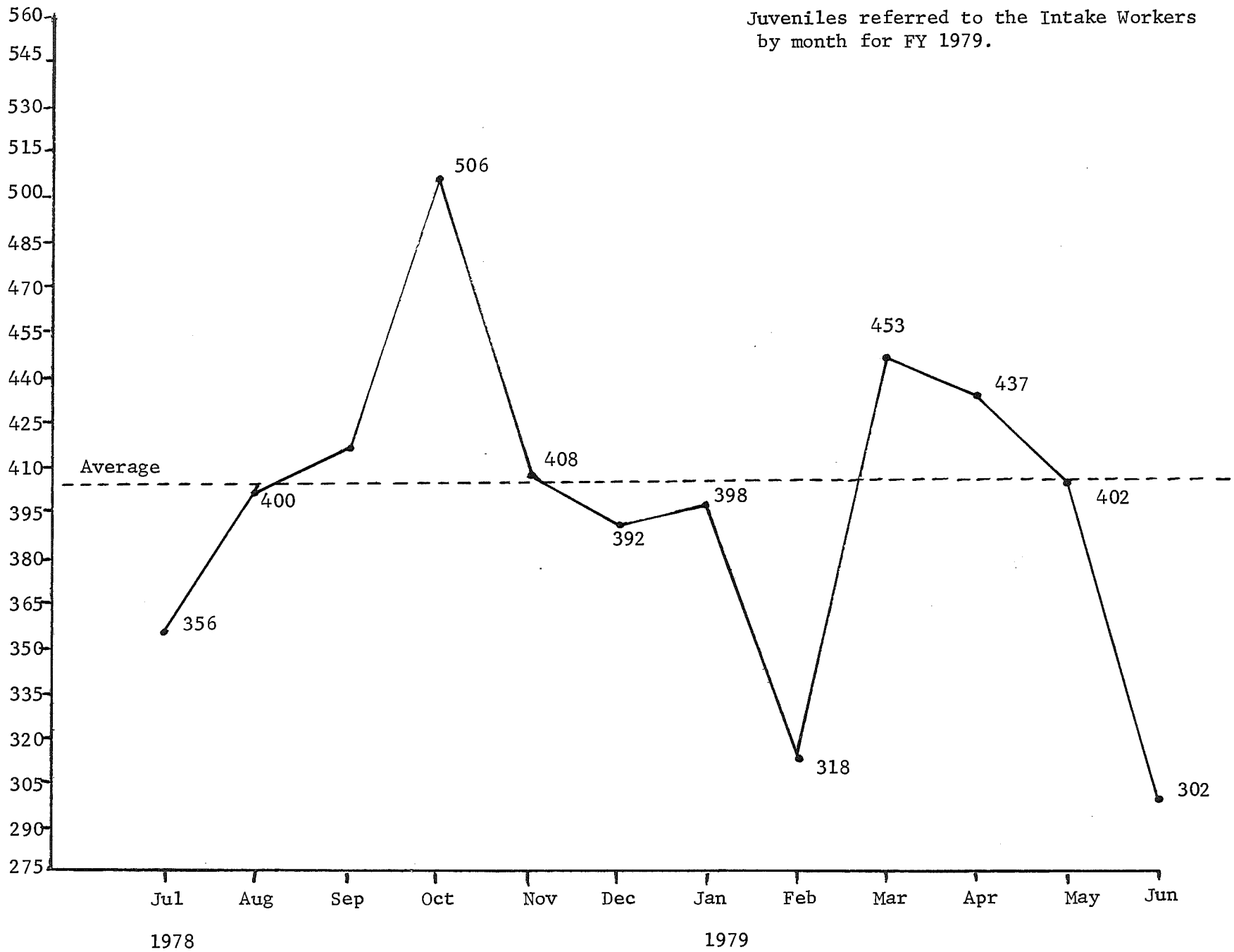
The Juvenile Intake Workers receive an average of 403 total cases each month.

## Summary

There appears to be no discernible trends in the referrals to the Intake Workers over the past twelve months. Fluxuations range from a high of 506 in October of 1978 to a low of 318 in February of 1979. There is a slight and gradual decrease of cases since July of 1978. However, since the system must adjust to the newness of the Juvenile Code, and that adjustment takes time, the Department of Mental Health and Corrections is unable to draw any conclusions as to referral rates with only twelve month's data and no obvious trends.

Juveniles referred to the Intake Workers  
by month for FY 1979.

-19-





## INTAKE WORKER CLIENTS

### Prior Contacts

It has long been claimed that juvenile justice clients are the failures of the educational, health and/or human services system. Certainly by the behavioral act, it can be argued that needs were not met at some point in time. The system's response to these failures has generally been that if problems are identified early enough, steps by the system could have been taken to remedy the situation.

During client interview/contact by Intake Workers, information as to prior human service, health or educational system involvement was collected. The findings are as follows:

- 92% of these juveniles have had no contact with any of the system's "rehabilitation" efforts, 8% (379) have had contact and involvement with various agencies for the purpose of services.  
Of the 379:

- 88 have been previously involved in significant mental health efforts, primarily through mental health centers.
- 145 of these youth have been significantly involved in juvenile correctional activities, primarily probation.
- 115 of these youth have been significantly involved in the Department of Human Services system.

The small rate, 8% of the total youth involved, is not of major concern; however, the Department of Mental Health and Corrections recognizes that these multiple failures the system attempts to serve have special and intense needs which must be addressed.

### Employment

During the course of the Code it became apparent that an important part of creative diversion efforts would involve employment programs. The Department foresaw this employment effort as a major treatment element for juvenile offender and began immediately to prepare a resolution. The Division of Planning designed an employment program, to be funded by the Balance of State CETA, which would attempt to place juveniles in jobs suited to both their skills and motivations. An \$88,600 grant was applied for and awarded to the Department, of which approximately \$20,000 was available to the Intake Workers in predesigned and established work sites. The remaining \$68,000 was directed at juveniles on

probation and aftercare, again at predesignated and established sites. The project began in April and concluded in September of 1979. The project was evaluated as to its ability to successfully place juveniles into either educational or employment programs during and after their participation. The Division of Planning originally projected serving 30 Intake Worker clients; however, 35 were served of which 70% were successful. It did become obvious during the course of the employment program that there were marked differences between the juveniles of Intake, probation and aftercare in terms of age, education levels, vocational skills and employability. The Department was, at that time, unable to very specifically delineate those differences as they apply to employment programs. To address this problem, the Division of Planning applied for a nationally competitive CETA grant to study in detail the types of juvenile clients being handled by Intake, probation and aftercare and what specific programs should be developed to meet each system's needs. This grant was approved, is currently operating, and it is anticipated that the results from this intensive study will be available to guide future Departmental efforts in September of 1980.

# Highlights

85% of all Intake Worker clients are full-time students;

13% of all Intake Worker clients are school dropouts; and over half (51%) of these youth are unemployed.

## Summary

As indicated by the data, the vast majority of Intake Worker clients are students and for this group it is important that school attendance continue. This continued attendance in school is a condition of informal adjustment that the Intake Worker uses in all appropriate cases. The 13% school dropout rate is a concern and the Intake Workers have been involved with the clients in both replacement back into schools or the next best alternative, vocational skill training and development programs.

The employability of these dropout youths is minimal as witnessed by a 51% unemployment rate. The Department is attempting to deal with this problem primarily through CETA.

	<u>15 years and less</u>		<u>16 to 18 years old</u>		<u>Intake Totals</u>	
	#	%	#	%	#	%
School Dropouts	13	1.5%	99	12%	112	13.5%
Currently in School	403	48.4%	305	36.7%	708	85.1%
High School Graduates	0	0	12	1.4%	12	1.4%
College/Vocational Training	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	416	50%	416	50%	832	100%

Unemployment rates by District for intake  
worker clients are:

District III	55%
District V	54%
District IV	53%
District II	51%
District I	40%

# Highlights

There has been a slight shift by the Intake Workers towards more administrative time and less direct service time.

There has also been a slight shift in the direct service category to more office supervision.

## Summary

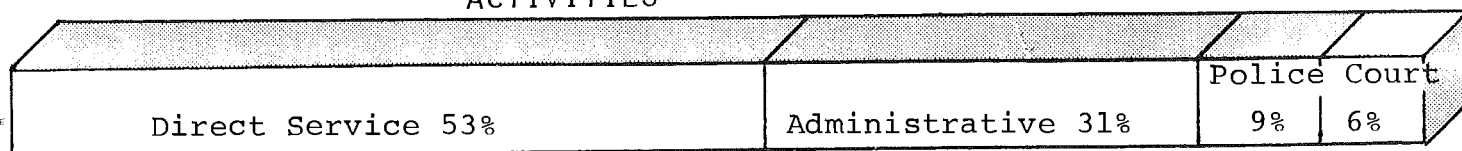
A basic general principle in vocational management is that workers tend to gravitate to work activities that reflect their perceptions of the job. In order to capture activities and thus perceptions, a survey instrument was designed to determine the average time spent in each of 14 activities. These activities were then placed into four categories: administrative time, time spent regarding the filling out of forms, paperwork, personnel issues and travel; police time, time spent in contact with police agencies in the discussion of process/decision issues; court time, time spent with or performing duties necessary for court related processes; and direct service time, time spent in direct contact with the client for purposes of diversion, counseling, rehabilitation and/or supervision activities. The supervision activities were further broken down into place: office supervision or other outside (work sites, school, restitution projects, etc.).

The survey was conducted 3 months into the Code, October 1978, and again 15 months into the Code, October 1979. All Intake Workers were surveyed and all responded. The results are illustrated on the following page.

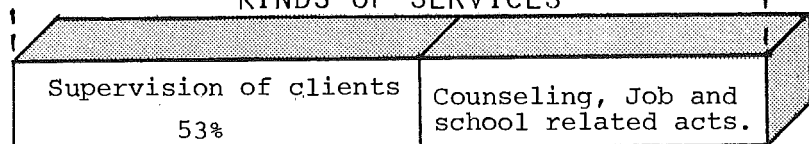
# Juvenile Intake Workers – Their Time

3 MONTHS INTO CODE

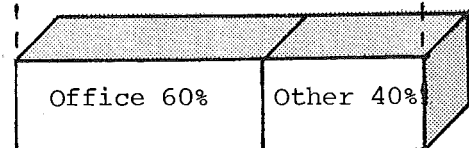
## ACTIVITIES



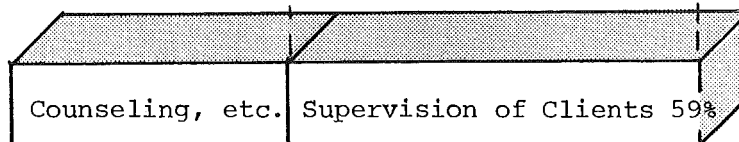
## KINDS OF SERVICES



## LOCATION

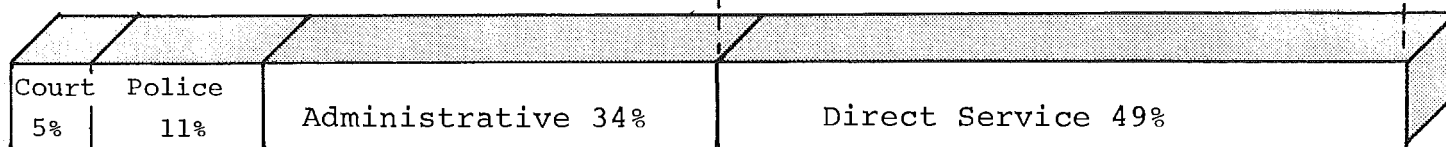


## LOCATION



## KINDS OF SERVICES

15 MONTHS INTO CODE



## ACTIVITIES

# Highlights

Three months into the Juvenile Code over half (53%) of the Intake Workers' time was spend on direct service activities.

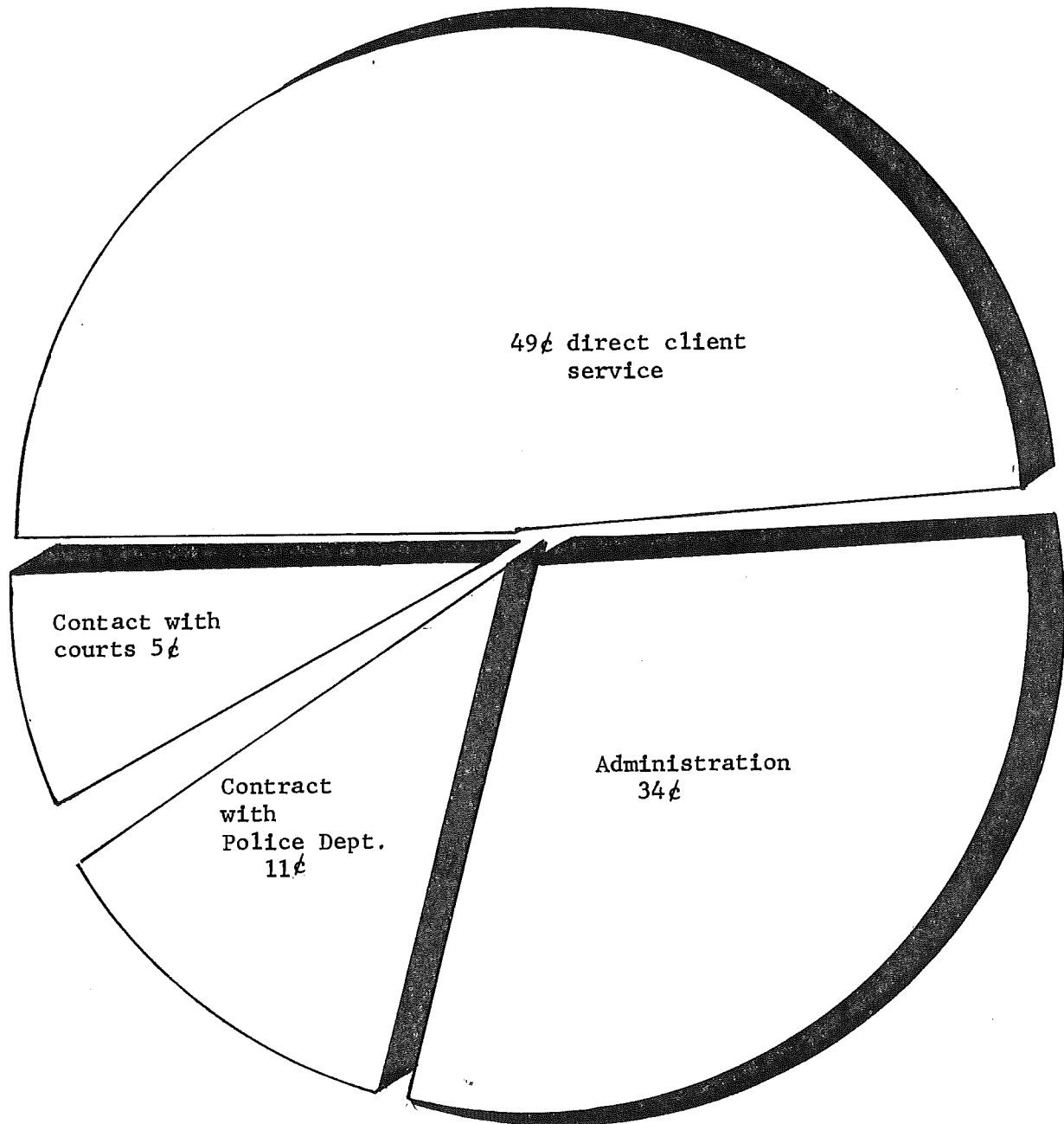
Twelve months into the Code, 49% of the Intake Workers' time is spent on direct service activities.

## Summary

It is important to determine both the extent and the cost of specific activities for any program recently implemented. This method of assessment, called an Economic Determinate Method, can be a valuable tool to decision makers in allocating current resources and projecting future needs. To measure the activity of Intake Workers and any changes which have occurred over the past year, a survey was conducted at two intervals: three months after the effective date of the Code; and again, one year later. The survey asked the Intake Workers to specifically break down an average work activity week by time spent in 14 categories: Administrative Time (A), time spent by workers on form/paperwork, travel to and from clients, schools, job sites, etc.; Direct Service Time (D), time spent by workers in direct personal contact with clients/families and service providers; Police Contact Time (P), time spent by workers in personal contact with police although usually regarding a specific client; and Court Time (C), time spent by workers in personal contact with the court system to include meetings with D.A.'s and judges, and detention hearings, usually regarding a specific client. For purposes of costing out activities, the following formula was used:

$$CPU = \frac{W}{T} \times (A) \cdot (D) \cdot (P) \cdot (C) \cdot$$

OF EVERY DOLLAR SPENT ON THE INTAKE WORKER SYSTEM





## EMERGENCY PURCHASE OF SERVICES

On July 1, 1978, the new Juvenile Code became effective. This Code increased the available options of the juvenile justice system to deal with Maine's delinquent youth. These options now exist at both the pre- and post-adjudicatory process. However, having the statutory authority for making more and/or different programs available to the juvenile and his/her family does not necessarily mean they will get them.

At the time of the legislative enactment of the Code, the Department of Mental Health and Corrections did not know exactly what resources would be needed to implement an effective and efficacious system.

The Department was able to ascertain needed residential placement for post-adjudicatory clients and as a result of that assessment, contracts have been established and monies made available within the Department's budget. The contracts currently total over \$1,000,000. There was and still is, however, a substantial gap in the Department's ability to purchase emergency services for its clients.

With twelve months experience behind us, there are continued indications as to how much monies will be needed for emergency services and where those monies can be appropriately expended. These monies need to be made available at both the pre-adjudicatory process (i.e., the Intake Workers) and the post-adjudicatory process (i.e., the Probation Officers).

### Emergency Medical Needs

Programmatic Need: During the course of police contacts with the Intake Workers, some clients have been in need of emergency medical services. The services include youth who have been battered or involved in an affray and require treatment at a hospital. Additionally, some juveniles currently involved in informal adjustment are in need of emergency dental services. Under the provisions of voluntary referrals, intake workers would be able to absorb some of the costs of necessary medical needs without having to place the child under the care of either the Department of Mental Health and Corrections or the Department of Human Services.

Anticipated Need: Over the course of one year, an estimated 50 clients will need these emergency medical services at an anticipated total cost of \$2,500.

### Emergency Food and Clothing

Programmatic Need: A constant frustration of Intake Workers has been the inability to quickly access local welfare systems to aid the youthful offenders. Improperly clothed and fed juveniles make it difficult to the Intake Worker to effectively deal with the client. Since the terms of informal adjustment will frequently include school

attendance, it is imperative that the youth have proper clothing and is not left to be the impoverished and embrassed child.

Anticipated Need: It is anticipated that 200 youth will need immediate food and appropriate clothing to continue in a community program. Approximately cost - \$7,000.

#### Emergency Housing

Programmatic Need: The largest single problem in meeting the mandates of the Juvenile Code has been the provision of alternative placement for juveniles, other than secure detention. This has required Intake Workers to use foster home placement, relative placements, friends, YMCA's, YWCA's, almost any type of facility that will supply a bed if the juvenile cannot return home. These temporary placements are an attempt by the Intake Workers to keep many youth from spending a night in jail. The length of stay by these juveniles ranges from one day to usually three weeks.

Anticipated Need: Until MCJPAA and DMH&C can establish the proposed network of emergency facilities, purchase of bed space will be the Intake Workers only recourse. Approximately 400 juveniles will need shelter other than jail at \$20 per night. Total cost - \$8,000.

## OUTWARD BOUND

Outward Bound Schools are programs where juveniles and adults are enrolled in outdoor activity that involves individual and group stress situations.

In Maine there are two Outward Bound classes:

### Summer Program:

This program's base is Hurricane Island and lasts 21 days. Groups may spend several consecutive days on a sailing boat and encounter various weather situations. Groups may be left on an isolated island and "live off the land" for two days. Rock climbing and distance running are also components of the course.

During every class each individual spends at least two days on a "solo" in which he/she survives and has no contact with other individuals. Hopefully, this is a time for personal accomplishments and self-evaluation.

### Winter Program:

This program lasts for 10 days and takes place in the White Mountains outside of Bethel, Maine.

The class involves cold weather camping, backpacking, cross country skiing, map and compass reading and solo survival experience.

This type of program has been utilized for juveniles that have become involved in the Juvenile Justice System in other states. The recidivism rate of juveniles who participate in this type of program has been lower than for juveniles who have been placed in more conventional rehabilitation programs. Juveniles who have participated in this type of program have been more inclined to return to an educational program or locate employment when they are returned to the community.

The Department of Mental Health and Corrections already has an effective Path Finder Program located at the Maine Youth Center. This program is similar in some respects to the Outward Bound Program; however, Outward Bound is a much more intensive and therapeutic program which has demonstrated a history of success.

The Department of Mental Health and Corrections would like, through the assistance of Outward Bound, to develop a broader based program located at the Maine Youth Center. This program would be available to juvenile intake clients, juvenile probation clients and occasionally juveniles not already in Conference Committees. Maine would like to become one of the few states to implement its own state-run program and make it available to all appropriate youth statewide.

Target Population:

This program will act as both a remediation and diversion program. Remediation, insofar as the service to the individual through the group interaction process is concerned, is an effective tool of habilitation diversion, insofar as individuals will participate in the program as a condition of informal adjustment or probation.

Budget:

Anticipated expenditures for the first year of operation, to include training of Department of Mental Health and Corrections' staff, purchase of equipment and contracts for slots, is \$55,000.

40 juveniles at \$1,000 each	\$40,000
Administration	<u>15,000</u>
Total	<u>\$55,000</u>



JUVENILE PROBATION

## PURPOSE

The Division of Probation and Parole was established to provide effective counseling, direction and motivation to make productive and constructive members of society out of convicted offenders and adjudicated juveniles on probation or parole. The Division is responsible for administration of probation and parole services within the state. Specific duties include pardon and commutation investigations for the Governor, pre-sentence investigations for the courts, post-sentence and pre-parole investigations for the institutions, and the handling of adult and juvenile interstate compact cases for other states. The director of the Division of Probation and Parole serves both as administrator of the Uniform Interstate Compact of Juveniles and of the Uniform Act for Out-of-State Parolee Supervision. The director also appoints district probation and parole officers and provides for their instruction and training; makes recommendations to the State Parole Board in cases of violation or parole; issues warrants for the arrest of parole violators; establishes and administers standards, policies and procedures for the field probation and parole service and institutional parole officers; and acts as executive officer and secretary of the State Parole Board.

## ORGANIZATION

The Division of Probation and Parole was created in 1967 as a Division of the Bureau of Corrections within the Department of Mental Health and Corrections. The Division consists of field probation and parole officers and other administrative employees in classified State service and works in close cooperation with the State Parole Board. The Division continues to function as a unit of the Bureau of Corrections of the Department of Mental Health and Corrections. The division currently consists of 44 field officers who are administratively supervised by five District Supervisors located in Portland, Auburn, Augusta, Bangor and Houlton with the administrative office of the Division consisting of a Director and Assistant Director being located in Augusta. The Division also maintains two Institutional Parole Officers with one office located at the Maine State Prison and at the Maine Correctional Center.

## PROGRAM

The Division of Probation and Parole services all criminal courts in the State of Maine by making investigations and recommendations, supervising probationers and seeking diversionary programs. The Division also supervises all persons released on parole from State penal and correctional centers, conducts investigations for the State Parole Board and the institutions, counsels, finds employment and makes appropriate referrals to appropriate service agencies such as mental health centers, family counseling services, etc. The Division is primarily a community-based agency that cooperates with all other phases of the Department of Mental Health and Corrections.

The administrator for both the adult and juvenile interstate compacts is the director of the Division of Probation and Parole. Under the terms of the two compacts, he oversees the supervision of both adult and juvenile probationers and parolees who are referred to this State from other jurisdictions. In turn, Maine probationers and parolees, both adult and juvenile, who are residents of or desire to move to another state are referred to another compact state for similar supervision.



# Highlights

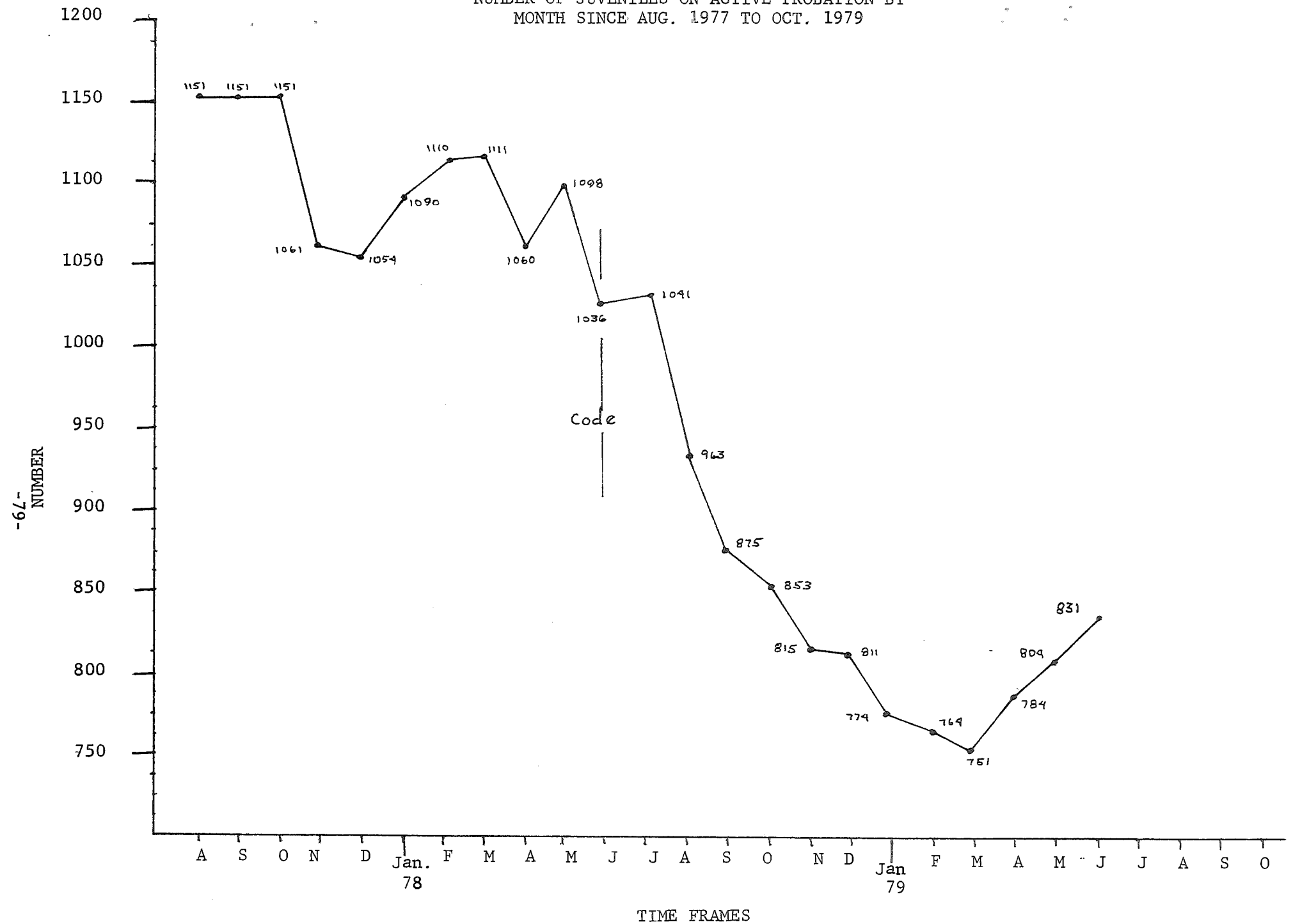
The average caseload of juveniles on probation has been reduced by approximately 24% since the effective date of the Code.

There has been, however, a recent gradual increase in the number of juveniles placed on probation.

## Summary

In April of 1978, the Department reviewed juvenile probation caseloads sampled over a period of one year. At that time, approximately 10% of probationers were "continued day to day for 3 months or less." These juveniles were all adjudicated with minor offenses, primarily shoplifting of small items. Since one of the purposes of the Juvenile Code is to divert cases from the court (and in this case subsequent probation) which can better be served in some other program, the Department projected a 10% decrease in juvenile probation. The benefit of this decrease would serve to eliminate the expense of court time for these juveniles as well as free up probation officer time to work with more appropriate cases. Data was measured on a monthly basis, 11 months prior to the Code and 12 months after the Code's effective date of July 1978. As shown on the next page, there has been an average decrease in cases of approximately 24% since the effective date of the Code, July 1978. The gradual increase of cases on probation since March of 1979 is an important indicator which the Department will closely monitor. It is hypothesized that this is occurring for two reasons. First, the Intake Worker system may have reached its maximum capacity in terms of caseloads, being unable to effectively handle any more juveniles and referring more to the court. Second, this may be the lag time for the repeat offender, between when the juvenile is placed on informal adjustment, violates a new offense and is then petitioned to court.

NUMBER OF JUVENILES ON ACTIVE PROBATION BY  
MONTH SINCE AUG. 1977 TO OCT. 1979



## MENTAL HEALTH SERVICES

### History:

In the fall of 1971, the Division of Probation and Parole, recognizing the growing need for a coordinated approach to the provision of mental health services to clients of the criminal justice system, submitted a grant application to Maine Criminal Justice Planning and Assistance Agency requesting funding for a full-time psychologist for the purpose of developing a model of service delivery for this specialized clientele. This grant application was entitled "Mobilization of Community Mental Health Services Toward the Rehabilitation of the Offender." Because of the almost instant success and support which this program received, subsequent applications were submitted and approved for the development of similar programs in the Lewiston/Auburn and Augusta/Waterville area.

### Problem:

The major problem addressed by this position was, as previously indicated, the development of a model for the delivery of mental health services to a population which, because of its own specific needs, produced some very different problems than the traditional client being provided services under the community mental health centers. As these programs further developed, the consultants found themselves providing a wide range of services. In addition to the traditional evaluations, the consultants were providing individual and family counseling, referral to other agencies including the community mental health centers, and consultation to various school programs. Another task which these consultants assumed was that of consultation and crisis intervention at the various county jails within their area.

Because of the very nature of LEAA grants (Seed Money), these programs existed for three to four years under Federal funding with the expectation that continued funding would be provided through State resources.

At the present time, the positions in Portland, Lewiston/Auburn, and Bangor are being funded under Community Corrections monies administered by the State Bureau of Corrections.

Although the community mental health centers are mandated by law and by contracts with the Department of Mental Health and Corrections to provide services to criminal justice clients, very few organized programs

exist outside of the positions in Portland, Lewiston/Auburn, and Bangor. Even with these positions present, there continue to be problems over the level of service provided and the methods for reimbursement.

The Bureau of Corrections and the Bureau of Mental Health will be working toward the development of more specific contract arrangements with the community mental health centers which will in greater detail outline the responsibilities which the community mental health centers have towards this population. Needless to say, it will be a significant improvement if contracts can specify those services to be provided.



MAINE YOUTH CENTER

## THE MAINE YOUTH CENTER

An obvious target and a profoundly effected service of diversion is in the most secure settings. Here in Maine, we are talking about the Maine Youth Center located in South Portland.

This Center is a co-educational secure institution for juveniles between the ages of 11 to 18. Juveniles may, however, be committed to their 21st birthday if specified by the court.

The Center combines the disciplines of education (approved by DECS) casework, group work, psychology, psychiatry, medicine, vocational training and religion, to rehabilitate juvenile offenders committed by the Maine courts. The superintendent is the legal guardian of all committed youths and may place an entrustment at any time on any child.

There are four major service areas provided by the Maine Youth Center.

1. Secure detention to hold juveniles for court;
2. Diagnostic evaluations for juveniles prior to court appearances;
3. Treatment/rehabilitation of committed offenders;
4. Aftercare services using placement and support of released offenders.

With the implementation of the Juvenile Code all of these areas have been affected in varying degrees. Each of these areas and the impact will be addressed separately.

### Juveniles Detained at MYC for Diagnostic Evaluations Pending Court Appearances

One of the consistent problems at the Maine Youth Center has been the spiraling numbers of diagnostic evaluations performed for the district courts of Maine. Over the past several years, the numbers of diagnostic evaluations have gone from 123 in FY 1974 to 325 in FY 1978 (an increase of 280%).

These diagnostic evaluations have required the Youth Center to reallocate substantial staff resources to perform this function. For some of these juveniles, this service appears inconsistent with the Code in two areas. First, some of the less serious juvenile offenders held at the Youth Center do not require secure detention as defined in §3203, Paragraph C, since the Youth Center is not always the "least restrictive setting". For this group,

diagnostic evaluations could just as well be performed in the community mental health centers (perserving the "care and guidance in his own home" issue). Secondly, there may be juveniles placed at the Youth Center for "shock" treatment; the average stay for diagnostic evaluations being approximately 21 days which is much longer than a simple hold for court. The Department of Mental Health and Corrections disagrees with this practice for two reasons. First, the Department of Mental Health and Corrections concurs with the Code's intent that secure detention should be used as a last resort, only after community alternatives have failed or are inappropriate. Secondly, the Department of Mental Health and Corrections does not endorse short-term shock sentences at its Youth Center. The reason for this is that the Youth Center is a treatment oriented facility whose program is designed for a 4 to 8 month residency. The short-term placement only disrupts the established continuity of the program. Additionally, the court ordered diagnostic evaluation as a part of the shock therapy is both time consuming and expensive.



# Highlights

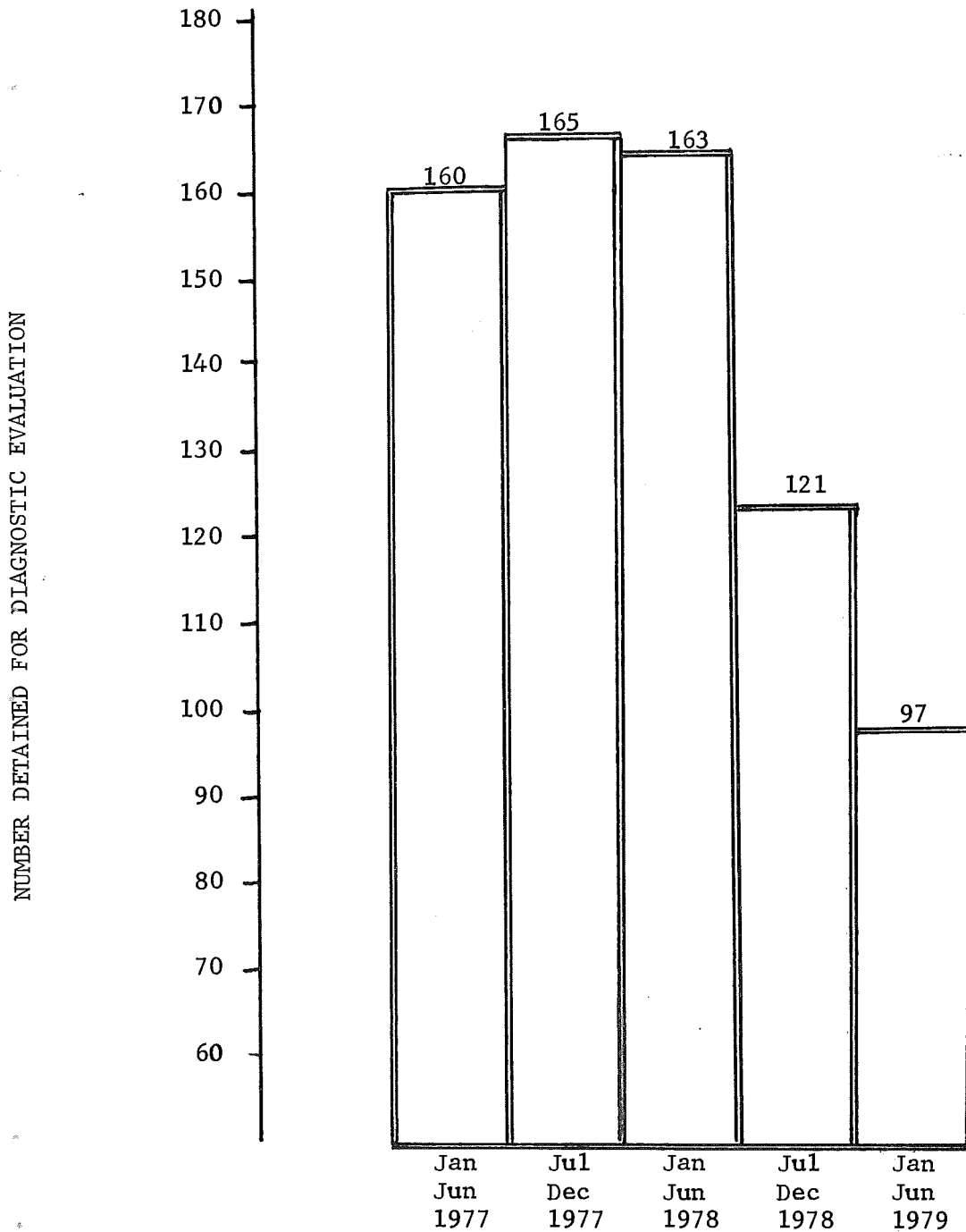
The total decrease of the number of juveniles detained at the Maine Youth Center for diagnostic evaluations from FY 1978 (pre-Code) to FY 1979 (post-Code) was 110 juveniles or a 34% reduction.

# Summary

The anticipated impact of the Code by the Department of Mental Health and Corrections was that there would be a decrease in the population held in secure detention for diagnostic evaluations of 25% over the course of a year. This would be done by allowing the Intake Workers the flexibility and resources to obtain diagnostic evaluations within the community while the juvenile remained at home.

The number of juveniles detained at the Maine Youth Center for diagnostic evaluations decreased 26% during the first six months of the Juvenile Code, and an additional 20% during the second six months of the Code.

NUMBER OF JUVENILES DETAINED AT THE MAINE  
YOUTH CENTER FOR DIAGNOSTIC EVALUATIONS  
FOR SIX MONTH INCREMENTS 1977-1979.



# Highlights

There has been an 18% average decrease in the number of juveniles detained for court appearances since the Juvenile Code at the Maine Youth Center.

## Summary

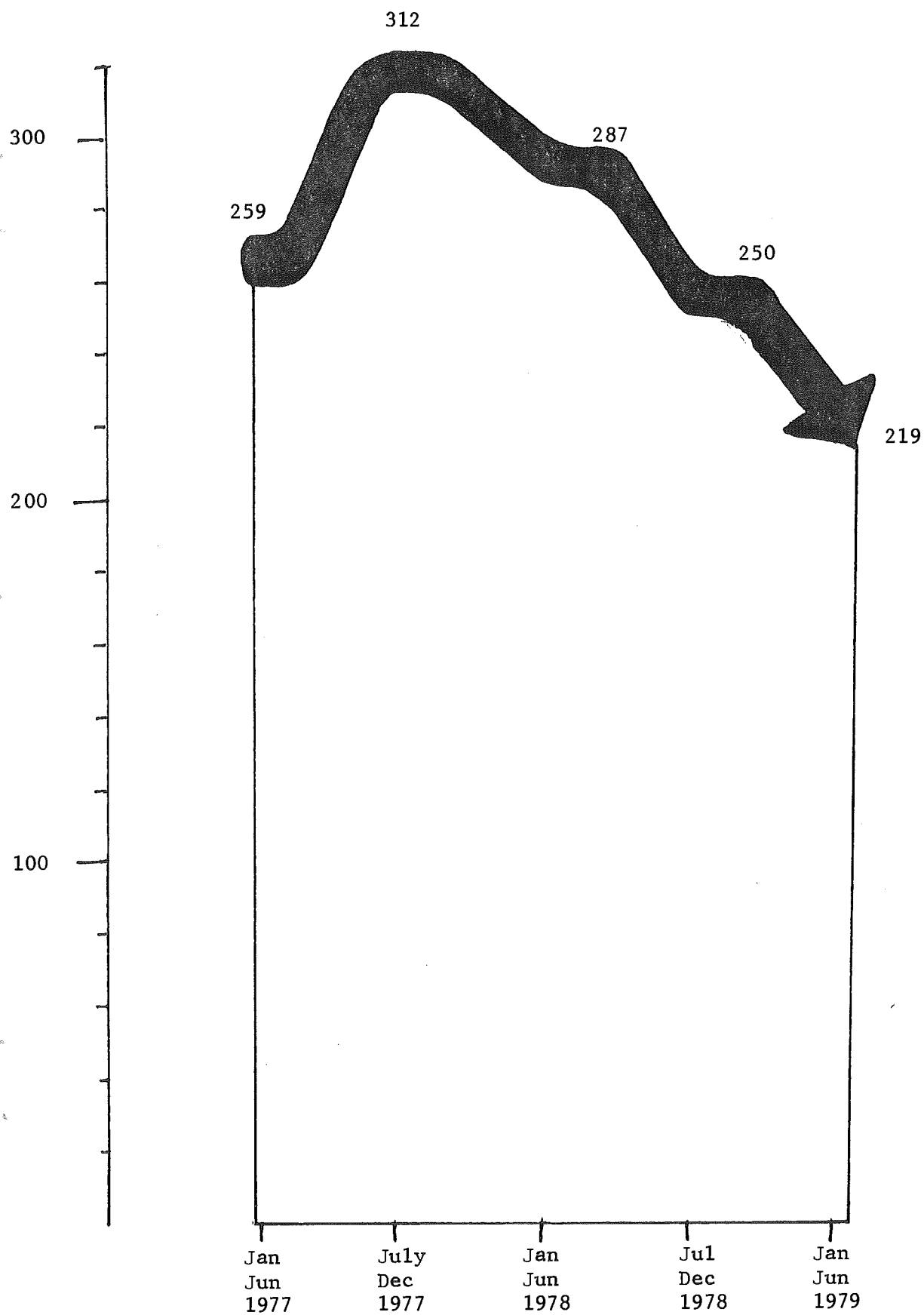
Consistent with the problem of increasing diagnostic evaluations at the Maine Youth Center is a similar increasing population of the classification "Hold for Court". The "Hold for Court" classification includes juveniles who have charges pending and are being detained until court appearance. Over the past several years, the number of juveniles in this classification has risen dramatically from 23 in 1971 to 528 in 1978. This increase of over 2,000% has required a substantial staff commitment from the Youth Center to deal with this population effectively.

The Department of Mental Health and Corrections realizes that any long-term reduction will be very gradual and will depend heavily upon the renovation of county jails, the development of other facilities and the refinement of conditional releases.

The Department of Mental Health and Corrections is encouraged by the first year's data on both the Hold for Court and the Diagnostic Evaluations at the Maine Youth Center. The overall picture clearly demonstrates that there has been progress in the deinstitutionalization of juveniles and reshifting to the most natural setting philosophy.

The Department is committed, however, to the principle that if precourt detention is required, that the Maine Youth Center is a viable option to some county jail detentions.

Detentions at the  
Maine Youth Center  
for court appearances



Effects of the Code Regarding  
Committed MYC Population

Additionally, the Department anticipated, after careful review of the then new Juvenile Code, the affects it would have on its sentenced population to the MYC. It was suspected at that time that probably three changes would occur:

1. That the Maine Youth Center population would become, on the average, older;
2. that these juveniles would be incarcerated for proportionately more serious offenses; and
3. that the Youth Center population would gradually decrease as the less serious offenders became diverted.

A case by case review of the Youth Center population over the past two fiscal years (1978 Pre-Code and 1979 Post-Code) revealed the following data:

Age

The most dramatic change recorded during the post code measurement is the change in the average age of the juvenile offender, from 14.7 years in FY 78 to 15.8 years in FY 79. Interviews with MYC staff suggest two events may be occurring which explains this phenomena. First, Youth Center personnel feel the intake worker system is for some offenders, particularly the repeated, multiple offender, a delaying process of 6 to 12 months. These juveniles are diverted one more time in the justice system process, increasing their age by 6 to 12 months before ending up at the Youth Center. Secondly, MYC is experiencing, over the last year, an increase in youth violating the conditions of aftercare through either administrative processes or by committing new offenses and returning via court. In both instances, diverted/delayed offenders and violation/committed offenders, the result is an older juvenile at the Youth Center.

County of Residence

For the committed population, 5 counties in Maine accounted for 69% of the total number sentenced. These counties are as follows:

<u>County Residing</u>	<u>Number Committed</u>	<u>Percentage Committed</u>
Cumberland	63	20%
York	45	14%
Androscoggin	44	14%
Penobscot	37	12%
Kennebec	28	9%
TOTALS	217	69%

This distribution by county has been fairly consistant throughout the years at the Youth Center, the Code having little effect on this variable (i.e. counties with numerous YAB;s, and other services have shown insignificant changes in sentencing patterns.)

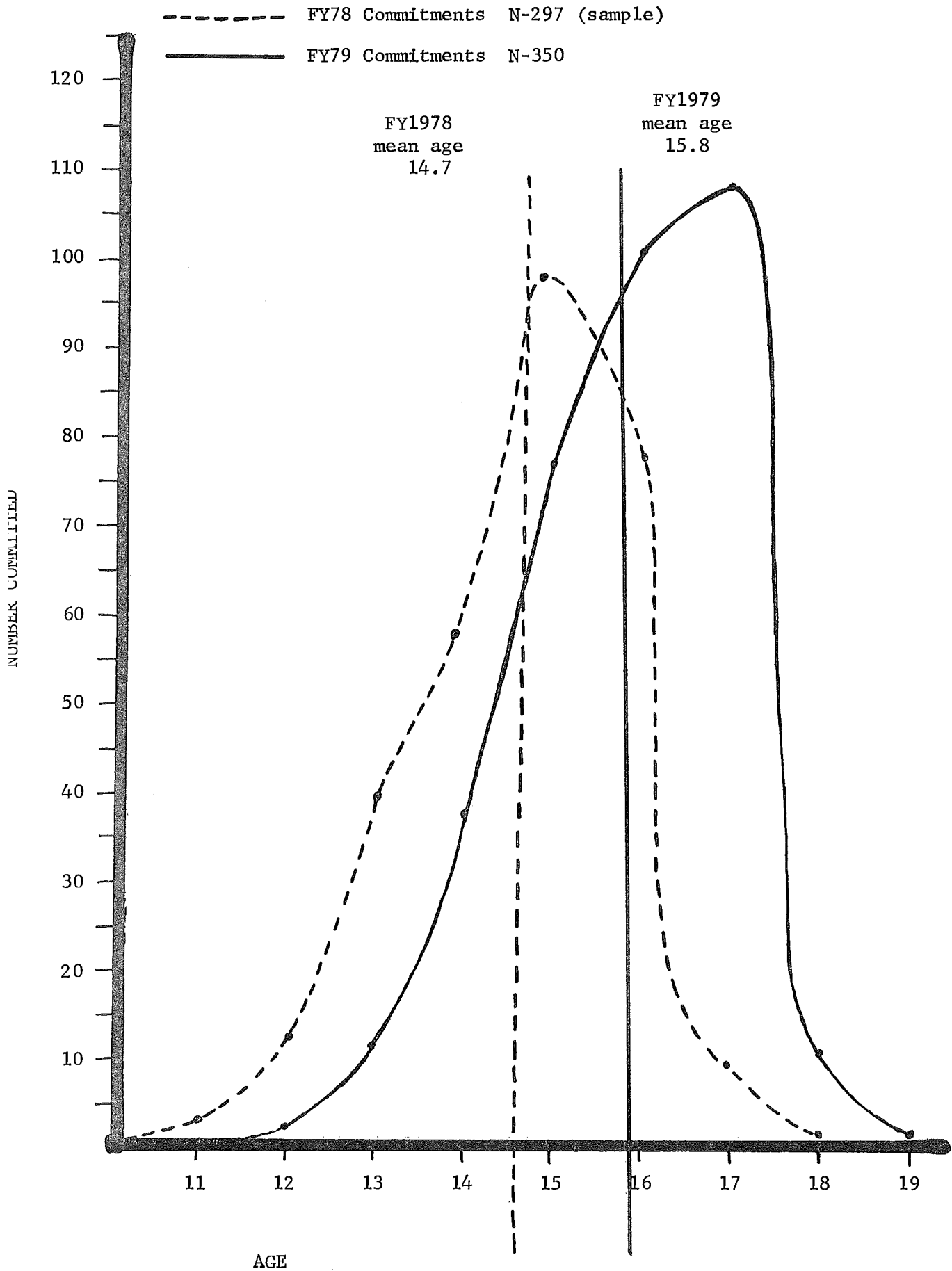
#### Offenses

The only noticable change which has occurred during the comparison of pre-post code data is the already mentioned increase in the proportion of youth returned to the Center for intrustment violations; an almost doubling in one year. Aside from the two previously mentioned reasons, the Department is concerned about this increase and since the phenomena has just surfaced will pay greater attention to the needs and process of the Youth Centers Aftercare System. One possible solution is the development of a Comprehensive Treatment Unit and a Employment Program at the Center, discriptions of which are contained in a later section.

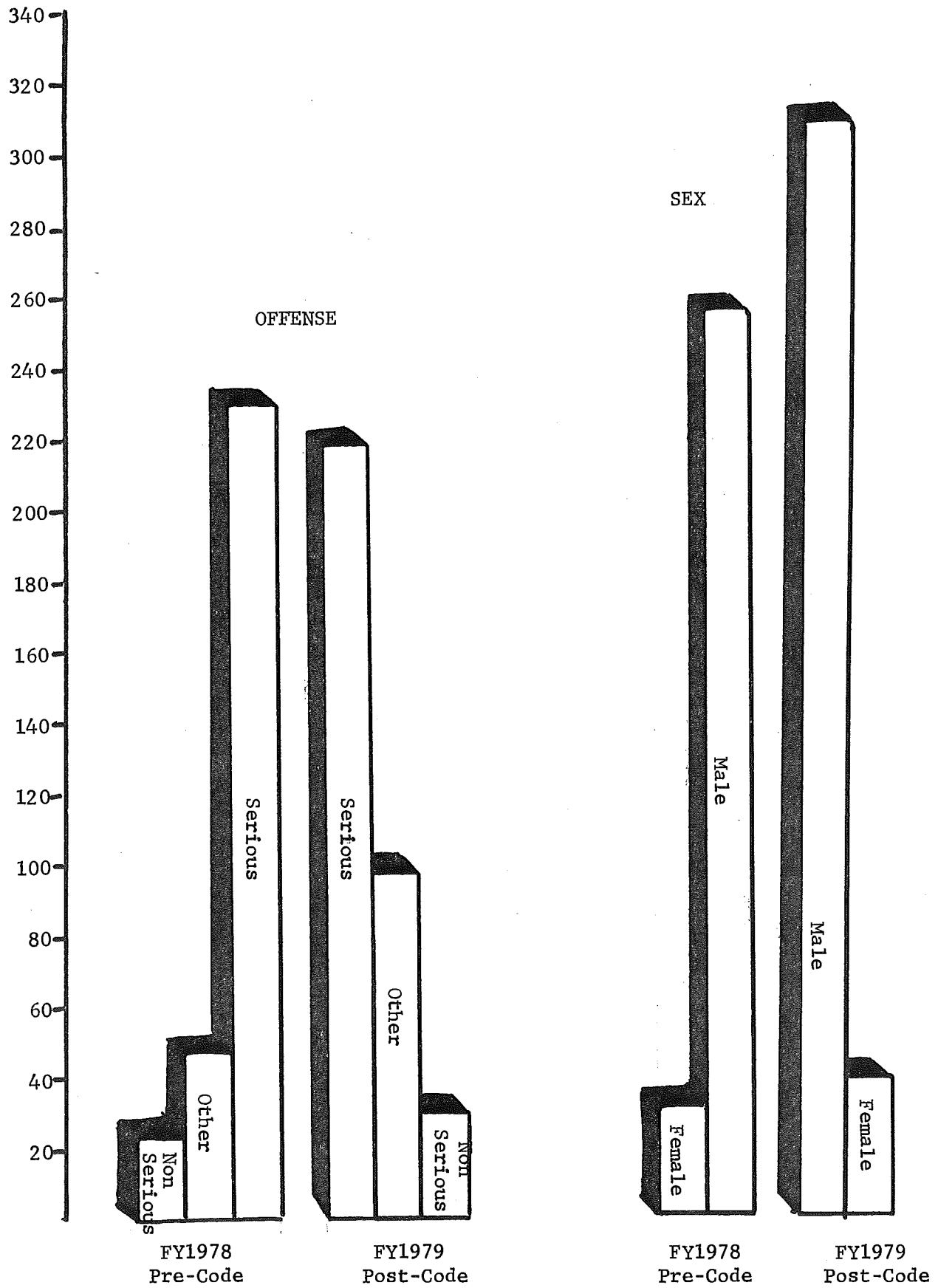
#### Sex

There has been a very slight proportionate increase in the number of males committed to the Youth Center, from approximately 84% to 88%.

COMMITMENTS TO MYC FOR FY1978 (PRE-CODE)  
COMPARED TO FY1979 (POST-CODE) BY AGE



COMMITTED JUVENILES AT MYC - FY1978 PRE-CODE/FY79  
COMPARISON BY SEX OFFENSES





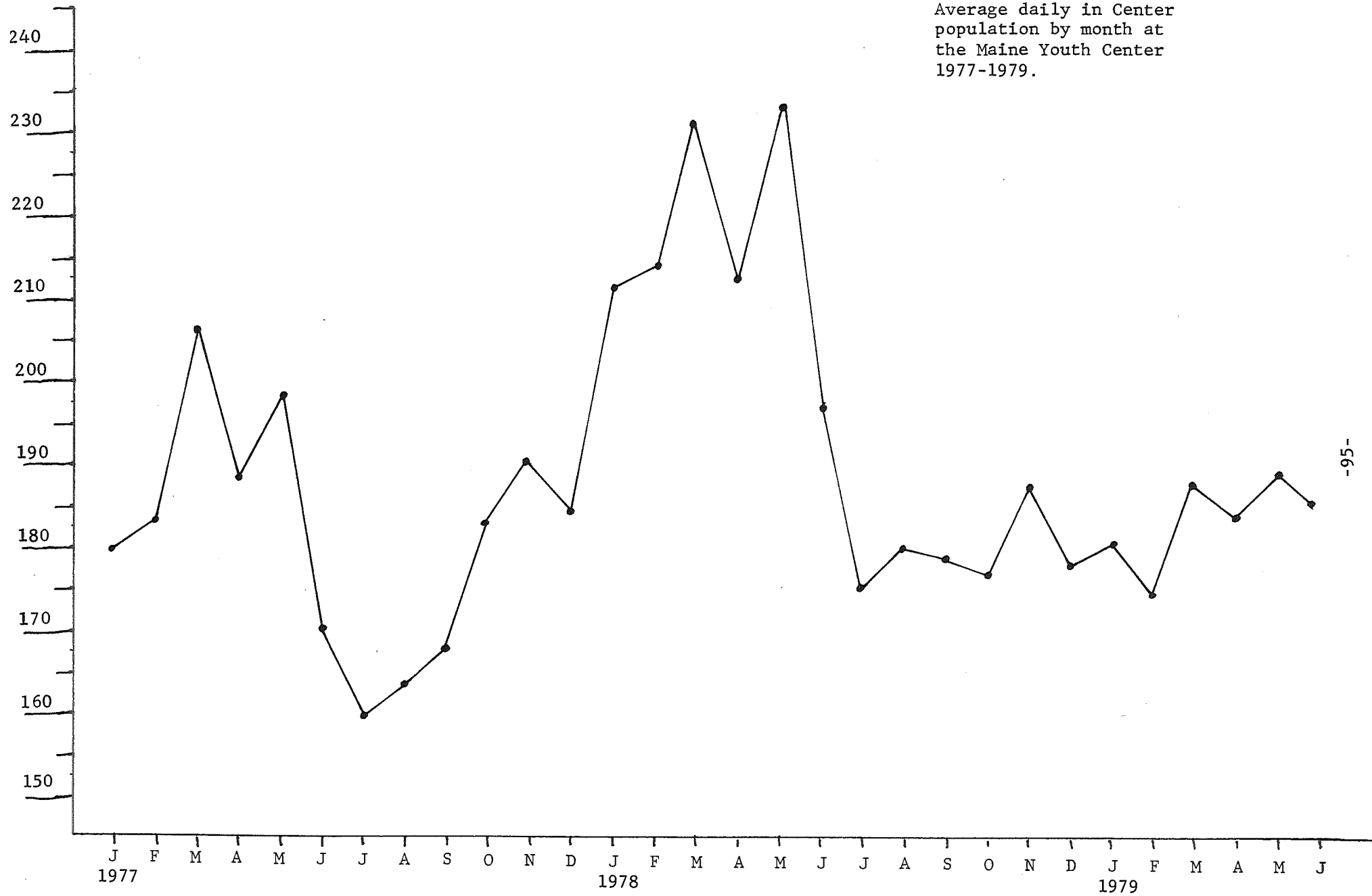
### Numbers Committed

The total number of youth committed to the Youth Center during post-code (FY79) measurement decreased only slightly compared to FY 78. This decrease is at this time neither significant nor indicative of any Code effect. The only measurable change in the sentenced in resident population in terms of numbers is in the issue of monthly fluctuation since the Code, the fluctuation range from 175 to 190. Thus it appears that the Code, although has had no effect on the total numbers committed, has apparently stabilized the population.

### Employment

A continuing problem for the Maine Youth Center client upon discharge has been successful placement in an employment or vocational program. Prior record and achievements make it difficult at best to enroll these youths into such programs. For this reason, MYC participated in the joint CETA employment Grant awarded to the Department by the Balance of State CETA. This proposal saw, in 1978, 10 youths participate in successful programs at a cost of approximately \$5,000. This year, as major expansion of that participation, and based on valuable information obtained, a new \$100,000 employment program has been awarded through the Governor's Discretionary Fund of CETA. Under this program an intensive classroom instruction and on the job training will be accomplished in weatherization skills, modeled after the SMVTI curriculum and enabling youth to become accredited apprentices. This program will enable youths to obtain job skills and accredited training prior to leaving the Youth Center as the program will be built into the current MYC education vocational curriculum. This should enable job placement or more specific and advanced training efforts easier for discharged youths. The Department hopes to continue this program with CETA support over the next few years until total assimilation of the program can occur. The projected cost of this program will run approximately \$100,000 a year.

Average daily in Center  
population by month at  
the Maine Youth Center  
1977-1979.



## COMPREHENSIVE TREATMENT PLAN

### Description

The Maine Youth Center is increasingly recognizing the need for treatment services to the families of these boys/girls. While the boy/girl is in residence at the institution, some services are provided to the family and there is some degree of follow-up when the boy/girl is released. In very few cases, however, is the boy/girl and his family treated together as a unit dealing with mutual problems. The Maine Youth Center should be in a position to provide a wider range of family services to its committed population. More families should be served; contact with the family should be on a regular basis while the boy/girl is in residence; these services should continue after the boy's/girl's release to the community, both on a routine and crisis basis.

Staff currently at the Maine Youth Center can provide counseling services for those families who are willing (or able) to come to South Portland. Idealistically, however, MYC should be in a position to transport those families who desire the services but are unable to provide for transportation, or transport out committed clients to the home for counseling. When a client is released to the community, these services should continue uninterrupted by trained staff members supplemented by additional social services or psychology staff. This service would be in a position to intervene in crisis situations in the home, school or community on a need basis.

### Specific Structure

The Maine Youth Center currently has an aftercare division. This division consists of 7 aftercare workers who conduct two phases of "treatment".

1. At the time of admission, these workers visit the home and significant others of the client and complete an Initial Community Report (ICR). This report describes the social environment of the client and additionally enables Maine Youth Center and parents to discuss programs and expectations.
2. At the time of discharge/entrustment, the aftercare workers aid in the placement of the client in community services.

This current structure is the natural place for a Comprehensive Treatment Unit (CTU) with a joint venture by both DMH&C and MCJPAA. In order to implement this CTU, the following structure will be needed.

Director - Social Services --- Secretary

Worker	Worker	Worker	Worker	Worker	Worker	Worker	Worker
Region	Region	Region	Region	Region	Region	Region	Region
I	II	III	IV	V	VI	VII	VIII

It is anticipated that one additional aftercare worker will be needed to align the service area with the eight prosecutorial districts. Seven of the regional workers will be from existing MYC staff, as will be the secretary and director. Funding from MCJPAA will be sought to hire the eighth worker.

#### CONSULTANT SERVICES

To aid the CTU in its implementation, two trainers will have to be hired. Their purpose will be as a community resource, involved in the training and education of parents, educators, aftercare workers, probation and parole officers and intake workers in the treatment approach. Additionally, they will be involved in the coordination and organization of the transition and support of clients from MYC.

#### Travel

Normal travel by staff of the CTU will be absorbed by the Maine Youth Center budget. However, travel expenses via public transportation for families to come to regional offices or the Maine Youth Center for counseling will be needed. Anticipated expenses of approximately \$1,200 will be needed.

#### Training

All of the CTU staff will have to be extensively trained in family intervention and counseling techniques. This will require seminars, workshops, tapes/films and written materials. Costs for initial training and subsequent updating will be \$10,000.

#### Placement

Many of the clients on entrustment will need specialized services and placement. Also, Maine Youth Center currently does not have the budget to purchase family services if the CTU identifies a real treatment need. The family services can act as part of the total treatment program while their son/daughter is in the Maine Youth Center. This eliminates the age old problem of dealing solely with the child in the same environment (same problems within family) that led to incarceration. Placement service monies can be jointly used by child and parent and would include alcohol, drug, employment, educational and family counseling services. The anticipated cost of these placements is \$15,000.

The entire program, which would work with families and clients of the Maine Youth Center at the time of admission (to reduce fear and apprehension) and at discharge (to increase family support and reintegration) will be a joint commitment and effort by DMH&C and MCJPAA as illustrated on the next page.

<u>Staff</u>	<u>DMH&amp;C</u>	<u>MCJPAA</u>
1 Director	\$18,000	\$
8 Workers	105,000	15,000
1 Secretary	7,000	
Travel	10,000	
 <u>Consultants</u>		
Trainers (2 PT)		11,000
 <u>Travel</u>		
Families for Services		1,200
<u>Training</u>		10,000
<u>Placement</u>		<u>15,000</u>
 Program Total	 <u>\$140,000</u>	 <u>\$52,200</u>

This Comprehensive Treatment Plan, with intensive involvement by the families, is the necessary base for a complete programmatic shift at the Maine Youth Center. This shift will be based on a treatment model which is currently being planned by a task force at MYC and the Department of Mental Health and Corrections. The silent principle of this treatment approach is that the treatment program must be a total milieu, involving maintenance men, administrators, nurses and, of course, families. The Comprehensive Treatment Plan, with the assignment of aftercare workers to family counseling, money for transportation and a large training budget to begin training all involved with treatment techniques, is really Phase I. From this phase, a determination of the need for additional staff, the level of involvement which can be expected by families, and any additional resources identified will be documented and addressed in Phase II. Phase II will include a plan for the final implementation of the treatment approach. The importance of family inclusion in the training program is obvious as this is the environment the child came from, and if treatment is successful, this is the environment the child will return to. Accepting this, it is crucial that families become part of treatment while the child is in the Maine Youth Center as well as after the child has been discharged from the Maine Youth Center. This approach will ensure continuous treatment for incarcerated youth in Maine.

## OUTWARD BOUND

### PREFACE

As a result of the Pathfinder Program previously funded by LEAA and evaluative studies of the program, the Maine Youth Center has decided to develop and intensify an alternative educational program utilizing the most effective elements derived from Pathfinders in combination with appropriate social, educational and psychodynamic stimuli. This new program would be an outgrowth of Pathfinders, far more intensive and longer in duration to impact the adjudicated client at the Maine Youth Center and those clients who are under the auspices of probation and parole, aftercare, Intake Workers and any other community based program functioning for the betterment of Maine's youth.

### STATEMENT OF NEED

Within the current structure of the Maine Youth Center there is a need for the development and implementation of a treatment modality expressly geared at those clients who, through our experience, have been identified as being totally unresponsive to the more conventional rehabilitation programs presently available.

There is also a need for Intake Workers, probation and parole officers, and aftercare workers to have an alternative in working with youth who are in the intake stage, marginally involved in delinquent activity, or at the probation and parole and aftercare level who are exhibiting socially and/or status type difficulties from having to be processed through the juvenile justice system.

### PURPOSE

The purpose of this program is twofold:

1. Rehabilitation - to be designed as a rehabilitative tool specifically to meet the needs of the Youth Center's most difficult treatment cases who, through their own severe emotional and/or social maladjustment, have refused to participate or have been unsuccessful functioning within the more traditional rehabilitative programs now available at the Youth Center.
2. Diversion - To afford intake, probation and parole officials, aftercare and other community based officials, an alternative within the criminal justice system in the case of marginal delinquency or in cases where the facts would indicate that a short term removal from the individual's immediate environment would affect the desired results.

## PROJECT PROPOSAL

A screening process will be developed and implemented in choosing candidates. The program content is divided into three segments not necessarily independent of each other (rehabilitation, diversion, training).

1. Rehabilitation - This MYC Program will be a special endeavor. It will incorporate much of Outward Bound philosophy in addition to an entire battery of appropriate training activities. Physical fitness and personal hygiene will be stressed and reinforced. The program will consist of a core of basic academic subjects to include English, Math, Science and History.

This program will be developed to include four complete and somewhat different sub-programs each based on the four seasons nature of the State of Maine. One complete program will be fulfilled during each season in our state and will include a block of time equivalent to 1½ to 2½ months. The exact number of students has not yet been determined but it would serve between 50 to 60 clients per year.

2. Diversion - Two Types

- A. Limited slots for participants will be reserved for clients from Probation and Parole and/or aftercare and intake. These clients will be referred through a screening process and will integrate the MYC program and complete 1.
- B. Groups of clients from Probation and Parole and/or aftercare and intake through a referral screening process will be able to participate in intensified 20-day programs based on Rehabilitation format (1) but with some alterations. These shorter programs will be entirely filled with Probation and Parole, aftercare and intake clients.

These programs will be divided into 3 major components:

Introduction and Training 5 days	Extended Overnight Expedition 10 days	Critique Follow-Up and Counseling 5 days
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3. Training - An integral part of the Program will include the training and evaluation of staff members from other agencies and organizations with the intent of said agencies and/or organizations to institute their own similar programs. These training activities can be effectively carried out at any commencing point of the MYC programs, depending only upon the availability of the trainees. These staff members could come from Probation and Parole, aftercare, intake, public and private schools, half-way houses, YMCA, Boys Club and Boy Scouts.

An outline of the training process is now in the planning stages and will be published at a later date.

### BUDGET

An itemized budget for the life of the project is being worked on and will be submitted at a later date. Tentative plans call for a first year request of \$50,000, a second year request of approximately \$30,000 and a third year request of \$30,000.





## SUMMARY

## INTRODUCTION

The data for this report was collected from 15 different sources, all geared to present some historical perspective of the juvenile justice system and a first year analysis of pertinent parts of the Juvenile Code. This report does not reflect the entire system for two major reasons. First, the intricacy and complexity of the entire system and the role of the Juvenile Code is far too cumbersome for one report and one department to compile. Second, the purpose of this report is to present a readable and understandable document which highlights and analyzes what the Department feels the Governor, the Legislature and the citizens of Maine are most concerned about. Specifics of numerous rehabilitation programs, budgetary and contract systems have not been included because of report time, space and readability. It is important that this omission is not a diminishing of those programs' importance. The Department is continually reviewing these program/administration issues in order to make appropriate managerial decisions. If any reader has a specific area of interest or concern, the Department will provide whatever information or assistance is necessary. This upcoming summary section is an abbreviated discussion of nine areas that the Department will endeavor to pursue over the next year for continued improvement in the prevention and rehabilitation of the juvenile offenders.

## JUVENILE JUSTICE SYSTEM

### Identified Problem:

\* There is substantial difficulty in employing juveniles who are currently in the juvenile justice system.

### Course of Action:

It has long been identified by the Department that meaningful vocational skills and resultant employment if, for some, critical to the prevention of juvenile crime. To address this area the Department has over the last 18 months applied and been awarded three CETA employment grants totalling \$250,000. The Department thru these grants has been able to or will be able to train and place over 200 juveniles. The current successful place rate of these programs is approximately 70%. These programs, administered by the Department, are a demonstrated success and through joint cooperative ventures by the Balance of State-CETA, the Governor's Discretionary Fund and the State Employment Training Council, will be continued. The anticipated need at this time is that the Department can successfully handle 150 juveniles in intensive vocational training, employment placement and supervision at an annual cost of \$200,000.

### Identified Problem:

\* For some juveniles, there is a need for intensive, short term rehabilitation program which is individually centered.

### Course of Action:

#### Outward Bound Program

National literature and the Departments own experience suggests that for some juvenile offenders there is a need of and benefit from an Outward Bound Type Program. Numerous discussions and preliminary training/participation by DMH&C staff in such programs have led to the belief that replication would be valuable to rehabilitation and cost effective to the taxpayer. To implement a wilderness experience program for juvenile offenders a variety of activites must first occur:

1. Specific programs will have to be designed for clients in the intake, probation and MYC systems.
2. Over the next three years DMH&C staff will have to intensively train in Wilderness Programs for total assimilation.
3. MYC will have to expand its current Pathfinder Program to act as the base for Wilderness Programs.
4. New personnel classifications will have to be developed and funded.
5. Screening and selection tests will have to be developed, tested and implemented as part of a standard diagnostic tool.

The Department feels that this program of intensive personnel challenge and creative supervision can be an invaluable tool in rehabilitation and should be seriously explored.

Identified Problem:

Managing, conducting needs assessments and making appropriate treatment decisions regarding approximately 7,000 juveniles who come into contact(s) with DMH&C is non-uniform, and sometimes unresponsive to individual needs.

Course of Action:

The Department has begun the contracting of specilized individuals to help create a system-wide case management system. This system, when developed will enable juveniles and families to obtain appropriate, cost effective and timely needs assessments; determine necessary services and indicate (for proper resource allocation) levels of supervision and involvement by DMH&C staff for each client.

Identified Problem:

\* There does not exist in Maine a consensus of definition and a tested approach as to the prevention of juvenile crime, particularly among the three state agencies with some statutorial responsibility.

Course of Action:

The Department is currently attempting to address primary prevention on a system wide basis. This requires the involvement of the Departments of Human Services, Education and Cultural Services and the State Juvenile Justice Advisory Group. These agencies will attempt, over the next year, to adequately define and delineate the responsibilities and priorities in this regard.

Identified Problem:

\* The Department is currently unable to guarantee appropriate services to the juveniles that are referred to community service providers.

Course of Action:

The Department will develop a standardized process to review and evaluate contracts for community service provisions. This will ensure greater equity, quality and accountability for monies and services utilized.

## THE JUVENILE INTAKE SYSTEM

### Identified Problem:

- \* Juveniles are being detained at the pre-adjudicatory stage in secure facilities, without either contact or approval by the Intake Worker.

### Course of Action:

To alter this practice the Department will forward a letter to all Sheriffs and Police Chiefs presenting the above statistics and stating the procedure is in violation of the Juvenile Code. The Department's Jail Inspector will review this matter with each county jail, as part of the inspection process. Intake Workers will be asked to document any violations and report them to the Department. The Attorney General's Office will be informed of this matter on an on-going basis. The concerns in regards to this matter will also be presented to the L.D. 1080 Committee.

The Department views this as a serious matter, and will take the necessary steps to cease this practice.

### Identified Problem:

- \* The "cannot return home" criteria is being utilized as the reason for detentions on an unanticipated high percentage of detentions.

### Course of Action:

The primary reason for this high percentage of detentions is that many juveniles are initially detained for this reason pending a least restrictive placement with a relative, an emergency shelter, or group home. Even though the detention may last for a short period of time pending arraignment for placement, statistically it is recorded as a detention.

The Department of Mental Health and Corrections will review whether or not there is a need for additional detention criteria, and evaluate the data collection process to determine if it is possible to record the number of juveniles that are being placed following initial detention.

It may also be the case that Intake Workers are not pursuing the least restrictive alternative as actively and effectively as necessary. The Department will be reviewing the placements resulting from this criteria of detention on an ongoing basis.

### Identified Problem:

- \* The required detention hearings are unequitable in terms of due process and procedures.

### Course of Action:

The Department will develop uniform guidelines and procedures concerning detention hearings. This effort will be done with the L.D. 1080 Committee and the Chief Justice of the District Court.

## MAINE YOUTH CENTER

### Identified Problem:

- \* Diagnostic Evaluations for pre-adjudicatory juveniles is a continual drain on the Youth Center's resources.

### Course of Action:

The Department considers the service of diagnostic evaluations for juveniles to the courts as a necessary and appropriate one. However, this service is a psychological, emotional and educational assessment, done for the purposes of enabling the court system to make more informal dispositions and should not be used as shock sentences. This service, if the professional level of assessment is to continue, requires that staff be diverted from the statutorial responsibility of working with committed juveniles to pre-adjudicated juveniles. The Department feels that in order to accomodate the approximate 200 juveniles a year that will need this service, some additional staff will be necessary. As best as can be determined, one full-time psychologist supplemented by a University work-study program would be needed at a total yearly cost of \$17,000.

### Identified Problem:

- \* There is little program continuity within the Youth Center between the cottages and upon discharge, aftercare.
- \* There is difficulty in involving parents, family and significant relationships of the committed juvenile into the Youth Center rehabilitation efforts.

### Course of Action:

The Youth Center is proposing the creation of a Comprehensive Treatment Unit, based on a Reality Therapy Modality. This program will attempt to standardize the treatment of youth and involve the family/community in that treatment. Once committed, treatment plans will be jointly developed and used throughout the in residence time as well as while on aftercare. Specilized staff, training and consultant monies, will be needed at a total program budget of \$53,000.





