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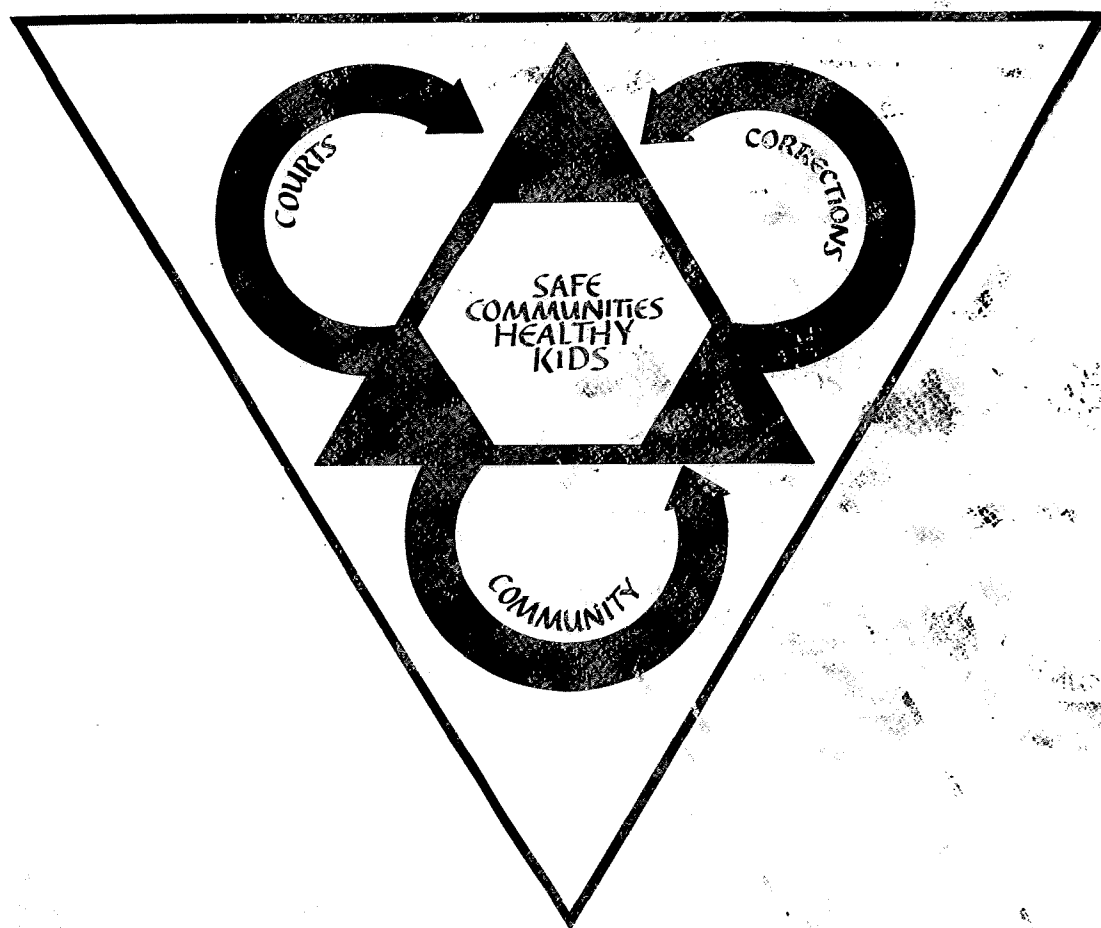
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# JUVENILE CORRECTIONS in MAINE



AN ACTION PLAN  
FOR THE 1990'S

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MAINE STATE LEGISLATURE  
Augusta, Maine 04333

JUVENILE CORRECTIONS IN MAINE  
An Action Plan For The 1990's

Report of  
the  
JUVENILE CORRECTIONS  
PLANNING COMMISSION

March 1, 1989

Rep. Cushman D. Anthony, Chair



## EXECUTIVE SUMMARY

Juvenile crime is a problem that calls for decisive action. The public is alarmed, professionals feel hamstrung, and many of our next generation of citizens are being unnecessarily lost to us.

The problem grows out of our piecemeal and unsystematic response to the illegal activities of our children and youth. We manage them differently in Portland and Presque Isle. We treat them far from home or not at all. We ignore their minor delinquencies, then react harshly when they get out of hand. We know what is needed to turn most of them around, but have made no societal commitment to provide necessary services.

To effect an enduring transformation in the lives of delinquents will require commitment to success, emphasis on effective early response, and a comprehensive, balanced approach to issues of temporary control and long-term behavioral changes. We must respond swiftly to delinquent acts, even minor ones, and we must follow through with our help until the offender is able to stand on his own.

The Commission proposes the following actions to achieve such a capability:

1. Create a Bureau of Youth Corrections within the Department of Corrections, to integrate juvenile corrections into a cohesive whole, to advocate for appropriate policies and appropriations, and to design and manage sanctions and services that will be effective, economical, and appropriate to the needs of this special population.
2. Create a system of interactive sanctions and services for juvenile offenders. Through this new spectrum of capabilities each juvenile crime will meet a firm and timely response, scaled to the seriousness of the offense and designed to lead the offender back to appropriate patterns of behavior. The system must emphasize catching young offenders early in their careers, diverting them from a deeper involvement in crime, and strengthening the family and community supports that will promote stable recovery. The system must be flexible enough to tailor its actions to the offender's real treatment needs and to adjust its response as those needs change throughout treatment.

3. Create five juvenile regional multipurpose centers to provide secure detention, observation and assessment, and specialized treatment services to juvenile offenders in or near their own communities.

4. Hold juvenile offenders only in facilities designed and operated exclusively for juveniles and end the practice of holding them in adult-serving jails. The state should assume fiscal and legal responsibility for managing all detention and treatment of juvenile offenders, but since delinquency, like other dysfunctional behaviors, is primarily a community issue, Maine should act decisively to engage each community in developing local initiatives and resources to divert juveniles from the correctional system.

5. Provide an adequate level of security at the Maine Youth Center for those residents requiring long-term, secure treatment and disperse the remaining juveniles to appropriate placements and services in their own communities.

6. Enhance the quality of juvenile management by law enforcement officials and by the courts, both through specific programs of education and coordination and through the development of specialized juvenile courts and specialized juvenile capabilities within local police departments.

7. Commit sufficient resources to the entire effort so that statewide implementation of the system will be completed at least by January 1, 2000. Implementation of the complete spectrum of sanctions and services should be carried out on a region by region basis. The Commission regards it as essential that the integrity of the spectrum be maintained. It is the key element in the proposed system and is critical to its success.

Juvenile delinquency can be reduced in Maine, but to accomplish this, the state must integrate the loose and fragmented activities currently used to control juvenile delinquency into a unified system. The Commission calls for a correctional system that works the way it should, a system that protects the public and effectively treats the juvenile offender.

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## INTRODUCTION

On June 29, 1987, Governor John R. McKernan, Jr., signed into law L.D. 1781, establishing a Juvenile Corrections Planning Commission to create a master plan for juveniles. The Commission, in cooperation with outside consultants, was directed to develop a plan for juvenile correctional services, including an analysis of current services being provided by the state and local communities; the relationship between institutional and community programs; the relationships among services being provided by the Department of Corrections and other state agencies; projections of need for services during the next decade; appropriate policies, facilities and programs required to meet the need for services in the future; and steps to achieve the planned system of juvenile correctional services.

The Commission first met on October 5, 1987, and we hired its principal consultant on May 2, 1988. Between the date of the first meeting and the date of this report, the Commission met as a group sixteen (16) times to assess information and consider recommendations. In addition, the Commission held seven (7) public hearings

in locations from Aroostook to York counties to take testimony. Commission subcommittees met numerous times to prepare or modify preliminary drafts of recommendations, and individual members of the group held countless meetings with experts in the field of juvenile corrections from Maine as well as from other states. Commission members met with youth and staff at the Maine Youth Center on several occasions. With the help of an outside expert, the Commission conducted an experimental classification exercise to analyze whether a percentage of the youth at the Maine Youth Center required less secure custody.

The consultants to the project also conducted over 200 interviews with persons within and outside the Maine juvenile justice system. Interviews included staff of public and private correctional and child-serving agencies, probation staff, law enforcement officers, public prosecutors, defense attorneys, educators, and county government officials.

Members of the Commission also visited Utah and Oregon to observe and study new and innovative approaches to juvenile corrections. Standards recommended for a just and effective juvenile correctional system by the American Correctional Association and the American Bar Association were reviewed by members of the Commission

as well.

The model system described in this Report is based on the testimony and recommendations of many people; so, too, are the recommendations made for improvements in the present system.

The Report we present is the work of this Commission and reflects its collective judgment. Although we employed the use of our principal consultant in the development of the Report, the recommendations made were debated and agreed to by this Commission before the Report was drafted. It is the product of those of us who live and work in Maine and who are familiar with our juvenile justice system.

As with any Commission, our task has required compromise. We found that we had too little time, too much information, and too many outside responsibilities to achieve all that we might have liked to accomplish. For example, we, like other Commissions before us, would like to have considered the services and programs needed by all youth, whether delinquent or not and whether in a correctional system or not--but such was not our mandate. However, because we did deem it important and relevant to our mission, we defined "correctional

system" to include law enforcement so as not to overlook the important and critical role of law enforcement officers as the primary gatekeepers to the correctional system. Whom they arrest, what they do, and the knowledge and resources with which they operate have a powerful impact on the correctional system. We have examined these issues carefully and are pleased to present a plan for making Maine's juvenile corrections system more effective.

This plan includes a broad range of substantial and important recommendations. They are all related to one another and are not simply discrete, or independent, recommendations. They reflect our collective judgment of the concepts, components, and principles required by an effective juvenile justice system. They are critical to the improvement of juvenile justice in this state.

One of the most difficult problems we have faced in looking to the future has been to keep our vision on what should be and not simply on what would be convenient, expedient, or quickly attainable. Focusing on the future is difficult when the present confronts us with a multitude of immediate needs calling for quick solutions. The changes which we propose should be made incrementally, in order to achieve a system similar to that which we outline here, by the year 2000. We seek a

juvenile justice system that is effective and efficient, that genuinely helps juveniles to avoid further delinquent behavior, and that offers protection to the public.

We recognize that planning is an ongoing process. We reject the notion that our "blueprint" for juvenile corrections should be set in cement. Rather, we encourage an ongoing planning process, one which will take our ideas as set forth here and modify them to fit changing conditions and ideals. No one group can ever have a total understanding of what is in store in the future, or what is truly in the best interest of all. We offer this Report as a starting point in that planning process and ask a fair and thorough appraisal of these ideas; they represent the labor of a great many people, who have worked hard to understand juvenile corrections from a variety of perspectives.









## A HISTORY OF CONCERN

The Children and Youth Services Planning Project: A Comprehensive Blueprint, authored by Charles Sharpe and Kevin Concannon in February, 1977, outlined the problems faced by youth growing up in Maine and made strong recommendations for a comprehensive Children and Youth Agency. That report, along with several which followed, identified, among other things, too few public services for too many children as common themes in the histories of the youth who end up in the correctional system.

The recommendations in that 1977 report addressed serious unmet needs: too few staff at the Maine Youth Center, too few resources for observation and assessment of special cases before the juvenile court, too many youth being referred to the juvenile court, too many youth held too long in secure detention and jails, too few juvenile caseworkers in probation; in short, too few resources for any of the components of the juvenile justice system to do the job in a manner equal to the expectations of the community or the professionals working in the field.

This report resulted in considerable progress, but many

of its recommendations still had not been followed in 1985 when the next major report, the Report of the Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs was issued.

That report, referred to as the "Concannon Report," again identified problems associated with gaps in service delivery. The problems covered a wide range of issues, including the variations in the quality of service in different geographic areas of the state and a lack of coordination among social service personnel, police, prosecutors, judges, and the Department of Corrections. The thirty-one member Commission found that the juvenile justice system frequently victimized children and youth by its lengthy processes, jurisdictional disputes, and concern for who would pay for necessary services. The Commission found limited options for children and adolescents placed outside of their homes in residential programs--a lack of a wide spectrum of treatment programs. They found that mental health programs, while having improved in recent years, had not kept pace with the known needs of youth with serious problems. The Commission identified a critical need for secure treatment facilities for youths who are violent or who are sex offenders, resources to treat emotionally disturbed offenders, and personnel qualified

to provide court-ordered evaluations of juveniles. They observed that the Maine Youth Center, where most of the evaluations were done, was neither funded nor staffed for a task it was expected to do because of a lack of resources elsewhere. The litany of problems and the list of recommendations for their resolution were long and specific. As with other reports, some of the recommendations were acted upon and others were ignored.

In recent years, the Interdepartmental Council, which consists of the Commissioners of the four major youth-serving departments, has reported that the State substantially underfunds out-of-home placements, particularly for juvenile corrections clients. It has noted the need for increased resources for extremely difficult placements, one of which alone may cost the state in excess of \$200,000 per year. It has also called for a special fund for juveniles in custody, in order to avoid the jurisdictional disputes among agencies regarding payment of costs; society, for organizational and funding reasons, divides the child into parts, with separate agencies each having a responsibility for a single part, but with no one of them being responsible for the whole child.

The people of Maine have shown, time and time again, a concern for their children and youth. Past studies, Interdepartmental Council Reports, and even the existence of this Commission itself, demonstrate that Maine's citizens are concerned. The question we raise is, "Are we concerned enough to act on our knowledge, and create an effective juvenile correctional system?" We believe the answer to this question must be a resounding yes.

### **Demographics and Crime**

Maine, unlike many other states, has had a relatively static youth population since 1974. Available data shows that individuals under the age of nineteen (19) represent about thirty percent (30%) of the total population. Projections by the Bureau of Vital Statistics suggest that this population group will actually drop to about twenty-five percent (25%) by the year 1996. Even more interesting are the figures on the "crime-prone population", those children and youth between the ages of ten (10) and nineteen (19). In 1981, this group represented approximately eighteen percent (18%) of the total population. In 1988 it had dropped to eleven percent (11%), and it is projected to remain at that level until 1996 or later. Within the group most likely to be found in the juvenile corrections system, the population is projected to drop

by about forty percent (40%) by 1996. Based on data such as these, the incidence of juvenile crime should not be expected to increase until sometime around the turn of the century.

As expected, we found that juvenile arrests, along with other indicators of crime, have gone down. In 1980, there were 12,040 arrests of youth under the age of eighteen (18), according to the Uniform Crime Arrest and Disposition Reports. In 1987 the number of arrests had dropped to 9,641. Despite this drop the number of referrals to juvenile caseworkers for prosecution remained relatively constant at around 6,000.

Of greater significance, however, is the fact that during the same period, the number of total admissions to the Maine Youth Center doubled--from 422 to 844 between 1981 and 1987. On the other hand, first admissions have remained relatively constant--254 in 1981 and 221 in 1987. Although earlier data are not available, figures for the years 1986 and 1987 reveal that youth held at the Maine Youth Center for the court or for probation roughly equal the number of new admissions, an indication that changed practices by the court and probation may be the most significant cause of the current overcrowding of the Center.

Data for the District Courts and for Probation caseloads reveal the same pattern as population and arrests, relatively constant numbers between 1980 and 1986, with some slight increase in 1987 and 1988.

All of the demographics suggest that Maine is not experiencing any substantial increase in juvenile crime but is experiencing an increase in population at the Maine Youth Center. That increase is probably a reflection of changed demands on services or administrative practices, rather than increased numbers of new admissions.

In general, the state's demographics regarding youth population and juvenile delinquency suggest that Maine has an unusual opportunity to plan and implement carefully thought out programs, rather than having to respond with crash programs brought on by an uncontrolled rise in crime. In this sense, the creation of this Commission to develop a master plan for juvenile corrections for the next decade was most timely.

It is also important to note that, in searching for data related to juvenile crime and its correction, we discovered that there is no single agency or group with data adequate for ongoing analysis of the juvenile

justice system as a whole. It is difficult to imagine how one can effectively administer juvenile justice programs without appropriate data. This deficiency is one that our model system and master plan proposes to correct:

### **Geographical Factors**

As we all know, the geography of Maine is, in many ways, its greatest asset. Equal in surface area to the other five New England States combined, it is a vast, thickly-forested region, fringed with a 3,500 mile coastline. Approximately fifty percent (50%) of the land area is wilderness territory. Eighty-nine percent (89%) of the inland area is forested, the largest ratio of forested land in any of the United States.

Geography is also a significant contributor to Maine's juvenile justice and correctional problems and frequently becomes an excuse, along with lack of money, for inadequate services to its children and youth. For example, Aroostook County has vast unpopulated areas and is separated from the nearest urban center by a 150-mile stretch of woods. Practical problems posed by such isolation include a lack of detention alternatives, programs for treatment, and difficulty in providing training for probation and aftercare staff. Isolation



and geographical distance become the justification for correctional services that are offered differentially and unevenly by public servants who wish it were otherwise.

Aroostook County is not alone, however. Other counties that are rural and agricultural view the state's interest in their juvenile problems as unfair and unequal. In their view, the major resources for juvenile justice and corrections are delivered in the metropolitan and heavily-populated areas of the state, and there is little consideration of the unique problems of rural counties. Officials in these same counties express concern that their children and youth must be transported over great distances to appear in court, be observed and assessed, and "be corrected", rather than being dealt with in their own communities by officials reflecting local values and standards of conduct.

As is well known, a study of Maine's geography also reveals that ninety percent (90%) of its population lives within 20 miles of Interstate 95. This is not unusual for states with large rural areas. For example, Utah, Oregon, and Texas all have similar large, uninhabited areas and vast geographical distances between population centers. Like Maine, these states also have an economy that is often marginal for even the

most industrious of its citizens. Yet, in each of these states, local citizens, state legislatures, and administrations have seen the need to improve the quality of juvenile justice and correctional services by making them equitable and responsive to the needs of everyone in the state. They have developed plans to provide regional alternatives to single, large, youth training schools, as well as to jails as places of detention. Inadequate probation and aftercare services and a dearth of local treatment alternatives have been replaced by small, regionalized service delivery systems that require community groups and local citizen involvement.

Geography is sometimes a problem, but it is one that can be overcome, as it has been in other states. The geography of Maine clearly lends itself to a regional approach for service delivery. Building a regional juvenile justice and correctional system calls for new and creative ways of doing things by state government working in concert with local governments and community groups. For instance, large government overhead can be reduced by expanding and improving the purchase-of-service practice which is already in place in Maine. Regional alternatives to centralized secure custodial facilities would be welcomed, because local communities

would have the opportunity to participate in their development. These programs could avoid unnecessary and distant incarceration of some youth.

We, as residents of Maine, can choose between paying now or paying more later, for rising long-term prison costs and exploding street crime problems. Each juvenile whose behavior we fail to correct early in his or her life will become a drain on the resources of Maine's taxpayers in the future. Providing effective correctional intervention early is not always easy. However, we can do better, and it is imperative that we do so.

### **What Follows**

The following sections of this Report will describe: (1) the juvenile corrections system currently in place in Maine, (2) a suggested model of what we believe our system should look like in the year 2000, and (3) a series of recommendations that represent our master plan for implementing the model we deem appropriate.

This Commission is convinced that Maine has the resources, creativity, and resolve to implement the improved juvenile corrections system we propose in our master plan. Our plan is realistic and can be implemented incrementally. If carried out on a region

by region basis, the plan is affordable and offers a promise of significantly reducing delinquency and its fiscal and social consequences.







## THE PRESENT SYSTEM

At present, Maine does not have a coherent juvenile correctional system. Like many other child services, juvenile corrections is but one part of a loose assembly of related activities. An earlier report, Children and Youth Services Planning Project, February, 1977, described it thus:

It is a system which historically has grown and diversified with little forethought or logic-- a blending of private and public agencies, often cooperating, sometimes competing, more often functioning more or less independently, and sharing two characteristics: a mission in one or more areas of child welfare and a common umbilical dependence (total or preponderant) on the public treasury.

Until recently, the critical components of Maine's juvenile correctional system have been the county jails, operated by the local sheriffs; probation, including intake, investigation, supervision, and aftercare, operated by the Department of Corrections Division of Probation and Parole; the District Courts, when sitting as the Juvenile Court; a variety of group homes, residential treatment centers, and similar facilities, all licensed by the Department of Human Services; and institutional treatment provided by the Department of



Corrections' Maine Youth Center, which has often been asked to do a great many things for which its staff is not trained, equipped, or funded. (The Maine Youth Center staff has complied, but at a substantial cost to their other statutory responsibilities.)

Operating relationships and obligations in juvenile corrections have been more typically a matter of personal agreements than formal protocols. Services depend greatly on these personal and informal agreements between workers in different agencies, often at low levels within the administrative hierarchy of the agency. As workers have changed and shifted their jobs, procedures and services have often changed as well. Service often has been dependent on the good will of a single person, who has developed his or her own network of relationships and agreements.

#### **Law Enforcement Agencies**

The State of Maine has over 125 state, county, and municipal law enforcement agencies. Approximately twenty-five percent (25%) of all arrests made in Maine are offenders under the age of eighteen (18) years. Half of those arrested are juveniles fifteen (15) years of age or younger. Of the total juvenile arrests about half are for "index offenses"--murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle

theft, and arson.

In general, about thirty-five percent (35%) of all juvenile offenses are handled within the police agency and released without charges; sixty percent (60%) are referred to juvenile caseworkers; and only about five percent (5%) are referred to a welfare agency or another police agency. Where juvenile officers or youth aid bureaus are in operation, the percentage of referrals to agencies other than the court or probation is usually higher. Nationally, jurisdictions using juvenile officers divert closer to forty-five percent (45%) of the juveniles arrested to local community services. For long range trends on arrest and dispositions, see Appendix A of this Report.

### The District Attorneys

The district attorneys of Maine prepare juvenile petitions, present juvenile cases to judges for adjudication and decision, present requests to a judge to order a juvenile detained pending a hearing, and represent the interests of the state in all proceedings before the Juvenile Court. In 1980 the district attorneys were asked to file 3,481 petitions, but, in 1987, that number had dropped to 2,827. In response to requests by juvenile caseworkers to file petitions, the

district attorneys agree with the juvenile caseworker's request in almost ninety-nine percent (99%) of the cases. Delays in filing petitions and delays in proceeding to trial, in part, account for the long delays between arrest and final disposition by the Juvenile Court.

### The Juvenile Courts

The Maine District Court hears juvenile cases in thirty-two (32) different locations. At present, the District Court, sitting as a Juvenile Court, handles over 4,000 filings and makes over 3,000 dispositions per year. It frequently takes several months for a case to proceed from a juvenile caseworker's referral until a final disposition is made. Juvenile Court filings represented less than one percent (1%) of the total 293,896 filings. Clearly, the press of workload on the District Court is not juvenile, but civil, traffic, criminal, and related matters, with the result that the quality of juvenile justice is effected adversely.

### The County Jails and Sheriffs

In Maine, secure detention is the responsibility of county sheriffs. Traditionally, arrested juveniles have been detained in the county jails or, with the permission of the Department of Corrections, transferred to the Maine Youth Center. Approximately 2,000

juveniles per year were detained in adult-serving county jails. Of these, approximately fifty percent (50%) were detained for longer than six hours. That number dropped to 1,700 in 1988, a drop of twenty-one percent (21%).

### **The Department of Corrections**

The Department of Corrections became a separate Department in 1980 and administers both juvenile and adult services. An Associate Commissioner has been responsible for all juvenile institutional services, adult and juvenile probation and parole services, and all community correctional services, since 1987. Prior to that time, the Superintendent of the Maine Youth Center and the head of probation and parole (adult and juvenile) reported directly to the Commissioner of Corrections. These administrative changes are relatively new and still mingle some adult and juvenile functions. Policies and procedures for the new administrative arrangement are in the process of development.

The Department's total operating budget is about \$42,000,000 per year. Of that amount about twenty-five percent (25%) goes either directly or indirectly for juvenile programs: \$1,900,000 for juvenile probation and parole services, \$7,000,000 for the Maine Youth Center,

\$780,000 for community contracts, and \$85,000 for the work of the Juvenile Justice Advisory Group.

### Juvenile Probation and Aftercare

The Division of Probation and Paroles' juvenile caseworkers supervise approximately 2,000 cases at any given time. They also complete about 5,000 preliminary investigations per year that result in about 3,000 requests per year for petitions before the Juvenile Court. Although average caseloads per juvenile caseworkers average about fifty (50) cases per officer, this average does not take into account workload associated with intake or predisposition investigations. If it did, the average workload of a juvenile caseworker would be considerably higher, probably equal to a caseload average in excess of seventy-five to eighty (75-80), or twice the nationally recognized minimum standard for satisfactory work. If nationally-recognized standards were used for all probation functions, the Department would have to provide sufficient staff to provide for an average of eight (8) hours for every completed intake; fifteen (15) hours for every completed predisposition investigation; and four to five (4-5) hours per month, on an average, for every case under active probation supervision or on aftercare.

Although existing law requires that predisposition

reports be completed on all cases going before the Juvenile Court, fewer than ten percent (10%) of the cases appearing before the court have written reports. Rarely does the predisposition report include a proposed treatment plan for the juvenile. Partly as a result of this, the court frequently refers cases to the Maine Youth Center for observation and assessment. The Center is not staffed for this service but provides it as a courtesy to the courts and, in so doing, uses resources allocated to it for other purposes.

#### The Maine Youth Center

The Maine Youth Center dates back to 1853, when it was first established as a reform school for boys ages 7-18 years. While the population of the Center has varied over the years, depending on differing policies and legislation, its daily population has grown from an average of 160 in the 1970s to more than 250 residents by the end of the 1980s. By any recognized standards, the Maine Youth Center is substantially overcrowded and, in many units, understaffed and unable to maintain the security that might otherwise be possible.

While new admissions have remained relatively constant since 1981, the number of youth held for probation and for the court has not. By 1988 these cases represent

almost half of the new admissions processed by the Center.

The physical facility itself is old. The administration building was constructed in 1853. For structural reasons, portions of the building can no longer be used. Four of the Center's cottages, and one cottage used by the Gould School, are turn-of-the century buildings that are poorly designed for present usage, and present safety, health and security hazards. They are buildings that, by any current standards, should not be used. The academic program is fragmented due to the physical plant limitations, and as a result, classes are held at several different locations throughout the institution. Among other problems, this unnecessary movement of the population from one location to another creates security problems.

There is no true perimeter security at the Maine Youth Center. The lack of physical security, plus inadequate staffing, have contributed to a significant number of run-aways over the past several years. As a result, there is considerable community sentiment that security needs to be improved, at least for those juveniles who are in need of it. Most of the population of the Center does not warrant such expenditure, however. In a classification exercise conducted by the Commission in

1988, only about thirty-three percent (33%) of the population then in custody warranted long-term, secure custody. The balance of the youth detained needed short or medium terms of treatment under minimum or medium security. It should be added, however, that many of the youth at the Center did have long histories of prior offenses; these prior offenses tend to suggest that many youth in Maine wait a long time for the court to intervene before being given the help they need.

Analyses of the population at the Center suggest that there is a great disparity in sentencing practices in the state, with a disproportionately high number of juveniles from rural areas being committed for less serious offenses.

Some of the programs offered by the Center are good, surprisingly so considering the overcrowded conditions there. Of special note are the educational program, as well as the special sex offender treatment program and the program which treats emotionally disturbed adolescents; there are waiting lists for each of the last two mentioned programs. Center staff are dedicated, but they have been asked to do too much with the limited resources provided.



Originally designed for a younger population, today's Maine Youth Center offers little for the older adolescent who is about to enter the world of work and needs training and assistance in areas associated with independent living. Of the total population in custody, sixty percent (60%) are sixteen (16) years of age or older. While the Center recognizes the importance of serving this population, and has made efforts to do so, the shortage of available resources has made this difficult.

As in other areas of the existing system, the Youth Center is given an inadequate training budget to permit staff to learn the skills necessary to manage a smaller, more highly selected and difficult population.

#### Alternative Placement and Treatment

In contrast to the population of about 250 youth at the Maine Youth Center, the Department of Corrections purchased the equivalent of forty-one and three tenths (41.3) slots in private residential programs during the current fiscal year. These placement slots are divided among teaching family homes, foster homes and residential treatment centers. The total amount required for the financial support of the sixteen residential programs listed in the appendix of this report is \$5,077,480, \$999,576 for the four emergency

shelters and \$4,077,904 for the group homes funded. The Department of Corrections currently contributes about \$158,827 for shelter care, or approximately sixteen percent (16%). The Department also spends about \$687,247 for group homes which represents seventeen percent (17%) of the actual costs.

### **Conclusion**

The present overall system is, at best, a loose configuration of different activities and agencies. The model system that we propose integrates the fragmented parts into a unified whole. We can reduce juvenile delinquency in our state, and we can do a far more effective job of controlling and treating those juveniles who require correctional services. It is time to make our juvenile corrections system work the way it **should**, rather than just work.







## A MODEL SYSTEM

Before we set forth our ideas of a model juvenile corrections system, we think it important to share our understanding of what a system is. Systems' theory states that "everything is connected to everything else." Practically, as well as theoretically, those programs, policy decisions, and budgetary considerations which are altered within one social system affect all other social systems. When social problems are ignored by one system, they do not evaporate; they simply show up in some other social system, where the solutions may well be far more expensive and not as effective as in the first system. This argument is the basic one for prevention rather than correction. Generally speaking, the provision of effective services to youth with dysfunctional behavior, at an early point, avoids more expensive expenditures later. Effective delivery of services in a juvenile's own community by an adequate number of skilled individuals in education, human services, and mental health can materially reduce the need for costly correctional services.

If the juvenile justice system desires to improve the quality of the services rendered to its clients, who are at best, reluctant participants, and, consequently, to

society at large, that system makes a serious mistake if it only looks inward. The development of an effective juvenile corrections system requires communication, coordination, and most importantly, cooperation with other social service systems. What juvenile corrections can accomplish is dependent on other human service and educational agencies, as well as on the quality of its own programs. This level of cooperation is rarely found unless it is recognized as a basic requirement upon which a program is founded. This is one of the fundamental premises underlying our master plan.

A second basic premise is that a model juvenile corrections system must be open to new ideas, innovations, and changes involving personnel and programs. Organizational theory and operating experience show that the more traditional the organizational structure, the more difficult it will be to achieve an open system of programs. This fact, along with an already established tradition of purchasing outside services for juveniles, leads us to encourage the greater use of community-based services. If operated properly, contracts with community providers can become a source of new energy and ideas for those involved in the business of corrections.

Another principle underlying our proposal has to do with

the concept of appropriate placement. Program concerns often focus on selecting the least restrictive choice regardless of actual client need. While a full range of treatment and control options must be available in every case, their use must be governed by both public safety and individual treatment programming concerns. In some cases, a juvenile may need to have his/her freedom restricted early to effect positive change; in other cases, immediate custody would be the most inappropriate of choices. The system must have and use a good classification system, as well as a system for developing the best treatment programs available, regardless of the level of custody. The first action determines the level of security and the second action the nature, substance, and duration of the program(s) that will be offered.

Appropriate program placement depends not only good initial assessment but also on having a variety of flexible resources to be used at different times as a juvenile progresses. A juvenile corrections agency must have patterns and configurations of varying treatment and control resources that are available for use on an "as needed" basis and must carefully assess changing needs of the juvenile. The range of these treatment options must be broad and, as has been emphasized, must



also be consistent with those factors that make each community different. Programs are the substance of juvenile corrections. One cannot expect a carpenter to build a house if he is denied the tools, lumber, and other resources necessary, and one cannot expect a correctional program to succeed that does not have all the programs it needs for the offenders it supervises.

### **Basic Concepts**

In initiating this inquiry into what a juvenile corrections system in Maine should look like, the Commission first had to decide whether or not the problems and concerns of youth warrant a separate, comprehensive State Agency for Children and Youth, regardless of their legal status. Given the best of all possible worlds, many of the Commission members, as well as large segments of the public, would have opted for this choice, and, as a group, we continue to be sympathetic to the idea. Yet, evidence in other States has demonstrated that "super agencies" are not necessarily better at delivering services, reducing jurisdictional conflicts, or resolving the myriad of other problems associated with intergovernmental programs than are a series of specialized agencies serving children and youth. We do recognize, however, that juvenile services of all kinds are best when they are not buried too deeply within some larger

organizational structure or bureaucracy. Visibility, responsibility for budgetary process and policy formulation, clear lines of authority, and separate purpose, structure, and resources are the factors that permit any juvenile service to function effectively.

In state after state, those agencies having a combined responsibility for both juveniles and adults have had the most difficulty in providing the same level of attention and support to juveniles as they have to adults. The crush of problems associated with adult corrections makes it extremely difficult for the best-intentioned administrator to give equal attention and support to juvenile corrections.

For these reasons, we are recommending a model system for juveniles that strongly accents the stature, importance, and visibility of a separate entity for juvenile corrections, specifically a distinct Bureau within the Department of Corrections. This would encourage strong administrative guidance in policy and budget formulation, improved service delivery, competent interactive planning, and the easier development of comprehensive services. This would also permit regional delivery of services, and the development of small regional juvenile comprehensive facilities that permit

detention, treatment, and other services to be delivered locally.

Maine's Commissioner of Corrections has recognized the importance of integrating and strengthening the juvenile corrections system, and in 1987, he appointed an Associate Commissioner with responsibility for juvenile and community services. As a result of this action, lines of authority between the institutional services component and the probation and parole services piece of juvenile corrections have begun to be consolidated, and a new chain of command has been made clear. The foresight of the Commissioner of Corrections has brought important changes, but much more needs to be done to increase the stature of juvenile corrections and bring its services up to nationally-recognized standards. Unfortunately, decisions made by the current administration are good only so long as current personnel remain; there is nothing in the statutes that would institutionalize these improvements. If adopted, our recommendations will ensure that they will continue in the future.

We also believe that any correctional system in a state with vast areas of wilderness and relatively few clusters of densely populated areas must be organized to provide services within clearly identified regions.

While the regional structure must have a strong central authority and policy guidance, we also believe that the individuals who are in the regions in which services will be developed must be a part of the planning and implementation of these services.

Our discussions and visits have persuaded us that smaller is frequently far better, particularly where correctional facilities are concerned. The size of the facilities we propose are not arbitrary; they are based on solid experience, as are our workload recommendations.

We believe that specialization is frequently conducive to effective service delivery in juvenile corrections. Working in this area calls for a variety of skills and professions. Specialization permits the system to maximize the skills and interests of workers. As a Commission, we believe that the principle of specialization is appropriate for every segment of the juvenile justice system, to the greatest degree possible, whether that segment be law enforcement, the juvenile court, probation, or residential and institutional programs.

Another principle to which we subscribe is that, while

state-level government operation is superior for some things, other services may be better offered by community providers. Local involvement, we believe, also promotes strong community support for the system as a whole.

We believe that even though correctional facilities must always provide security for a selected population segment, they need not look like junior prisons. Evidence and experience clearly show that, with good architectural design, adequate security and open programs can exist within the same facility, a blending that substantially reduces the cost of construction. We also know that security is more than architecture--in fact, that the best security is good staffing and program. Austin McCormick, an early pioneer in prison reform, said it best, "You can operate a good and safe prison in an old red barn if you have enough well trained staff and a strong administrative commitment." He added, however, that he saw nothing wrong in providing safe and humane housing whenever possible.

Other principles that have guided our recommendations address the importance of putting adequate correctional resources at the beginning of the system, including programs to divert juveniles from further penetration into the system. While we believe that probation must

be adequately staffed in order to offer differential supervision and surveillance, we also have learned that intensive delivery of these services is important early in the offender's contact with the service, during the first ninety (90) to one hundred twenty (120) days of probation. We also recognize that small caseloads are mandatory to accomplishing this type of service.

We are also acutely aware that accurate, timely information is necessary to provide all aspects of quality juvenile correctional services. Presentence investigations must contain the facts that will permit sound dispositions by the court, prudent allocation of probation resources, and appropriate treatment by the Department of Corrections.

Underlying all of our prior premises is our conviction that the primary purpose of a corrections system is to protect a community from harm by its citizens. We know that this central purpose is best achieved by meeting the obligations and holding to the other principles which we have identified and briefly discussed.

#### The Essential Elements of Our Model

Our model is intended to attain the following goals:

**Provide the least restrictive and most appropriate**

setting for the youthful offender, while adequately protecting the community.

Hold youth accountable for their criminal behavior in a manner consistent with their long-term individual needs.

Provide an array of programs and services that will effectively prepare offenders to become healthy, skillful, contributing adults. Whenever possible these programs shall be in close proximity to the youth's community and family.

Provide humane, secure, and therapeutic confinement to those youth who have demonstrated that they represent a danger to the community.

To achieve these goals, our model will have the following interactive components:

Strong Juvenile Law Enforcement Officers and Bureaus: How law enforcement handles a violation by a juvenile offender has a substantial impact throughout the entire juvenile justice system, particularly corrections. Well-trained juvenile officers, and Youth Aid Bureaus where size and volume of workload warrant, can materially change the numbers of juveniles who are unnecessarily directed into the juvenile justice system.

Specialized Juvenile Courts: Specialized juvenile courts can better serve the needs of children and youth brought before it by careful and informed decisions based on specialized knowledge and experience. Specialization permits the court to work more closely with probation in determining appropriate placements.

Distinct Bureau of Youth Corrections: A powerful Bureau of Youth Corrections, with strong leadership, consistent policy, and an integrated series of services, organized on a regional basis, would substantially improve the quality of programs now offered to delinquents in Maine. Such services would include regional juvenile multipurpose centers offering detention and treatment services for up to one year, along with a broad range of community-based alternatives to institutions.

Strengthened Field Services: Substantially enriched staffing for the functions of intake, investigations, and supervision and aftercare can reduce the numbers of

inappropriate confinements or placements now made because of a lack of specialized intake workers, good presentence reports, and capacity to provide intense supervision to juveniles on probation.

Increased Resources for Nonresidential Community-based Programs and Services. The most effective strategy for short circuiting the cycle of re-offending is rapid, appropriate intervention early in an offender's career. That intervention requires considerably more resources than are currently allocated for this purpose.

Substantial Resources for Alternative Residential Placements and/or Treatments: If populations in institutions are to be reduced, resources for alternative placements and treatments are required. The present system is too tightly constrained by a lack of adequate resources for alternatives to marginal probation services and costly institutional care.

#### Our Model In Operation

The model presented here is only one variation of what a finished model might look like. The principles we have detailed in the previous section lend themselves to various structures when implemented. What we have presented in the following section is an attempt to demonstrate what our model might look like in operation. In making this shift from the abstract to the concrete, principles and action are deliberately intermingled as they would be in operation.

We have proposed that a Bureau of Youth Corrections be created within the Department of Corrections. We have further recommended that this Bureau be institutionalized in statute. The Bureau of Youth



Corrections is to be administered by an Associate Commissioner with authority, as delegated by the Commissioner of Corrections, for budget, policy, and planning for the Bureau. The Associate Commissioner, or Bureau Director, is to be appointed by the Commissioner, subject to the approval of the Governor. He or she should have had substantial experience in administering programs for juveniles or in working with juveniles at risk.

The Bureau shall have responsibility for all services associated with juvenile corrections. The Bureau's services shall include field services and institutional services, both of which will be under the direct authority of and policies established at the state level. To the extent possible and prudent, authority shall be delegated to institutional heads and regional field services. Field services shall include, but not necessarily be limited to, probation, intake and aftercare, and contracted community programs. Regional field services managers shall be expected to cooperate with the community in ways which will foster support for and development of programs needed in that region. Such cooperation may include the formation of local advisory groups to consider problems, needs, and resources.

The Bureau shall provide detention, observation and

assessment for the courts, and some treatment services in five regions by the year 2000. Within each of the five regions, there will be a juvenile multipurpose facility consisting of five (5) to forty (40) beds, preferably fewer, depending on the specific needs in that region.

Based on current data, and recognizing the problems associated with estimates of probabilities, it would appear that, if juveniles are not to be held in adult-serving jails, the state must immediately begin to provide the following resources for the detention of juveniles in regional facilities: six to eight (6-8) beds in the Northeast; nine to thirteen (9-13) in the Central area; and fifteen to twenty-two (15-22) beds in the Southern area. These estimates assume that each county without a regional facility has some resource for holding juveniles in two to four (2-4) beds for a period of up to seventy-two (72) hours. Physical construction might be required in some areas, but other options like attendant care should first be considered. For further details see Maine Juvenile Admissions and Detentions, FY 1988. included in the appendix of this Report.

The regional facility may also provide space for shelter and day treatment services. Portions of the

facility may also provide office space for probation and aftercare staff. In addition, space may be provided for public and governmental use in the non-secure areas of the facility for such services as Juvenile Court, prosecutorial offices, and other public groups associated with the correctional process.

While the juvenile regional centers will operate under the direct oversight of central office staff, responsibility for field services in each district will be delegated to a regional field services manager. All contracted services and field services administered within each region will be under the supervision of that field services regional manager, who shall be responsible to the Bureau Director.

The Director of the Bureau of Youth Corrections, operating under authority delegated by the Commissioner of Corrections, shall be deemed to be the primary person responsible for the operation of youth correctional programs in Maine. As such, the Director will be expected to meet with the members of the Juvenile Court, prosecutor's office, and other State agencies providing resources or services to the Bureau on a planned regular basis to discuss problems and means to improve services. Although authority may be delegated, the Director shall have the ultimate

responsibility to ensure that recommendations regarding grants, training and technical assistance to law enforcement, and training of juvenile court judges are carried out in cooperation with the Director of the Maine Criminal Justice Academy.

As community corrections programs are implemented and the regional multipurpose centers are phased on-line, the Maine Youth Center will substantially reduce its population and close its less efficient buildings. The Department of Corrections will shift some of its resources to the regional centers and will provide more intensive programming for juveniles requiring high security. The Maine Youth Center in South Portland will become the state's secure treatment center for long-term, serious offenders, the Southern Maine regional multipurpose center, and the center for resource development of new approaches and programs. It should also become the prototype operation for a work program for adolescent youth reaching the age of emancipation. Programs could include public service, including work with the Department of Transportation and the Bureau of Parks and Recreation. Private enterprise could be involved in training that would offer young adults vocational skills required for independent living.

Youth who are committed to the Department of Corrections will be classified by the Bureau of Youth Corrections. It will be the Bureau's responsibility to determine the appropriate level of security and the individual treatment needs of the juvenile. These two independent processes, classification and treatment programming, will depend heavily on thorough presentence reports prepared for the Juvenile Court by probation staff. These reports will accompany the youth on his arrival at a regional center. The Bureau will have an operating, statewide classification system, applicable to all juveniles under the control of the Department of Corrections, that is regularly updated for current needs. Presentence investigation reports will be standardized and regularly monitored by supervisory personnel for compliance to state standards. The reports will contain not only background data but also specific program or treatment plan recommendations. These presentence investigations will be presented to specialized juvenile courts that hold regular hearings within the time constraints of revised statutes. Arrest, detention if necessary, issuance of a petition, adjudication, and disposition will occur within a significantly shorter time frame than at present.

Staffing patterns for juvenile caseworkers, who are doing intake and probation or aftercare, will be

enriched. This will permit them to seek out alternatives to current choices of detention and commitment to the Maine Youth Center.

Because the various funding sources for some children served by the Department of Education and Human Services are so limited by state and federal law in terms of who may be served, it is not currently possible to establish a common fund for youth in custody. However, our study of the matter strongly indicates that such a special pool of funds needs to be established, funded by a separate legislative appropriation, so that placements can occur without some of the current bureaucratic and jurisdictional disputes.

Resources for out-of-home placement, including foster homes, group homes, shelter facilities, day care, attendant care, private detention, psychiatric foster care, proctor homes, trackers, and trained volunteers, will all be substantially enriched, enabling the Bureau of Youth Corrections to lower its need to use secure custody when something less secure is needed.

In short, our model program offers high visibility, flexibility in programming, and adequate resources to enable choice from a wide range of treatment options.

Traditional barriers between those who work in institutions and those who work in the field will be systematically broken down through closer working relationships, interdisciplinary training, and team planning around problem cases. At least five (5) percent of the operating budget will go to staff training and development. Staffing ratios in institutions and in the field will meet professional and national standards. Constant assessment and research into the data collected will be used to justify programs and alternative options we wish the administration and the Legislature to consider. Such monitoring will enable us to be more informed, better staffed, and better able to develop program options than currently exist.

As we indicated at the beginning of this section, the model we have drawn is only one of many possibilities, but it includes all of the principles we hold are critical to an improved juvenile corrections system for Maine. While some may differ with the way the principles are described in action, most will agree that they are consistent with the needs and interests of the people of Maine, particularly its youth.

How much? How fast? These are questions for the legislature and administration to decide. We have

designed our system on the basis of established need and have developed our recommendations accordingly. The recommendations which follow, along with their discussion sections, represent our master plan for moving Maine closer to the model system. Our plan is affordable and achievable, if we commit ourselves to working for it over the next decade.









## A PLAN FOR ACTION

As we reported earlier, Maine has neither a juvenile justice nor juvenile corrections system. While significant progress has been made since 1987 to consolidate some of the components, at best these components are a loose collection of discrete services, some providing services of acceptable quality and others not. Many needed sanctions and services necessary for an effective correctional service simply are not available. The problem confronting Maine at the end of this decade is to link key juvenile correctional services in some logical and reasoned relationship so that services will begin to complement one another rather than compete with or cancel out one another. To accomplish this linkage requires a substantial increase in the level of resources currently available. The need to increase and reorganize the state's service delivery system for juvenile offenders is great, but so too is the opportunity. If we begin now, we can build an effective juvenile justice and corrections system that will take us safely and effectively into the 21st Century.

It is the finding of this Commission that an effective juvenile corrections system must be community-based and

designed to meet unique and specific regional needs. To accomplish this, the Department of Corrections' Bureau of Youth Corrections must include a far broader array of interdependent services than it has currently. The central principle of our plan is a full spectrum of integrated services. Because of this, the plan cannot be implemented by purchasing only one component at a time. But the plan can be phased in by fully implementing it first in one region or district, then in a second, and so on. The sequential development of the juvenile corrections system over the next decade permits us to spread the cost of the required services and, at the same time, provides us the opportunity to assess and evaluate the progress made with each regional implementation of a comprehensive juvenile corrections system. It is important that services in one region not be curtailed or reduced in order to transfer its cost, or the service as a whole, to another area selected for regional development. The services we advocate are over and above those that currently exist.

We believe that all regions of the state can have the full array of services we are recommending by January 1, 2000. The highest priority for implementation should be given to regions of the state which:

1. Have a significantly well developed, but incomplete,

service system;

2. Have large geographic areas which preclude families and community service providers from participating in the treatment planning for a juvenile because of the long-travel distances involved; and

3. Have a large number of juveniles involved in the corrections system but do not have adequate community-based services.

Implementation should be based on regional planning efforts that identify needs and methods for meeting those needs within the region. In developing the regional plan, the Department of Corrections, in cooperation with the community, should ensure that any services are flexible and client-based. It is critical that implementation be accompanied by a well-designed evaluation effort that will allow refinements in the statewide plan as efforts go forward in given regions. Such evaluation will permit a better design for subsequent implementations of the plan and will also reduce the friction or wasted motion that might otherwise occur.

We have described, in considerable detail, the elements critical to the development of a well planned juvenile corrections system. What follows are the specific changes needed to achieve the model system we recommend. In making these recommendations, we have relied on three separate sets of standards, one

governmental and two professional. These are: The Standards of the National Advisory Committee to the Office of Juvenile Justice and Delinquency Prevention; The Juvenile Justice Standards of the Institute of Judicial Administration of the American Bar Association; and The American Correctional Association's Standards for Juvenile Justice Services.

### Implementation

1. We recommend that the continuing oversight for the implementation and/or modification of this master plan be undertaken by a subcommittee on juvenile corrections of the Maine Correctional Policy Commission, to be established pursuant to the recommendations of the Joint Select Committee on Corrections. We also recommend that the Commission appoint the Juvenile Justice Advisory Group as the subcommittee to undertake this work. In the event the Legislature does not create this new Commission, we recommend that the Maine Juvenile Justice Advisory Group be given the responsibility for oversight.

### Discussion

While the primary responsibility for implementation of our recommendations falls to the Department of Corrections, there also is a need for an independent group to maintain oversight in the implementation and, where necessary, modification of the model plan we propose. We believe that such oversight responsibility properly rests with the legislative branch of government, to ensure a balance with the administrative

branch. In the event that the Legislature does not create the Maine Correctional Policy Commission, then we believe that the Maine Juvenile Justice Advisory Group, which bears statutory responsibility for advising the Governor and the Legislature on juvenile justice matters, is a fully acceptable substitute for the Commission.

### Organization

2. We recommend that a Bureau of Youth Corrections be established within the Department of Corrections as quickly as time and resources permit, but not later than January 1, 1990.

3. We recommend that the Department of Corrections establish, as quickly as possible, the separation of juvenile caseworkers, performing intake, probation and aftercare, from the Division of Probation and Parole.

### Discussion

In order for there to be a juvenile corrections system, existing and expanded services need to be brought together and integrated under a single administrator, common policy, and budget. While we considered other organizational possibilities, including the establishment of an independent agency, we believe that our goal is best served by creating a strong Bureau of Youth Corrections within the Department of Corrections, with strong leadership and a clear chain of command. This accomplishes at least two of our goals, creating a



highly visible entity responsible for juvenile corrections and doing so within the existing structure of Maine government. In 1987, the present Commissioner of Corrections began to consolidate juvenile correctional services into a single chain of command. We applaud his foresight and leadership. We believe that these initial steps must be combined with others that still need to be taken.

**4. We recommend that the Department of Corrections' Bureau of Youth Corrections provide services and programs, either by direct operation or through purchase of service, that:**

- a. Are responsive to both the treatment and control needs of delinquent juveniles,**
- b. Use the least restrictive alternative appropriate to the needs of the individual juvenile consistent with the protection of society;**
- c. Use methods that do not depreciate the nature of the offense a juvenile has committed,**
- d. Use methods that build respect for substantive law, and**
- e. Provide procedures that will assure juveniles fair hearings at which their rights as citizens are recognized and protected.**

#### Discussion

The above recommendation constitutes our statement of purpose for the Bureau of Youth Corrections. We believe that the five requirements we have set forth for the system represent the basic principles necessary to

balance the needs of the juvenile offender with those of society. They are the principles which we believe should guide all policy and program decisions for juvenile corrections in Maine. But, for this proposed system to work, it will need substantially increased resources for alternative forms of residential care and community services.

**5. We recommend that the Director of the Bureau of Youth Corrections be administered by an Associate Commissioner who, operating under the delegated authority of the Commissioner of Corrections, will be authorized to organize the Bureau in a manner appropriate to carry out its statutory obligations, goals and functions including, but not limited to, the regionalization of services as quickly as experience, time, and resources permit.**

#### Discussion

If the Bureau of Youth Corrections is to have high visibility and broad responsibilities, its director must be of high enough rank to ensure that the needs of the service are clearly recognized. We believe that whoever occupies the position must be able to speak for the administration, and that requires the position to be at the Associate Commissioner level, an appointment by the Commissioner and subject to review by the Governor. Anything less reduces the leadership of the Bureau to a routine position with little voice and without sufficient power to bring about the changes we believe necessary.

6. We recommend that the Bureau of Youth Corrections, operating under authority delegated by the Commissioner of Corrections, integrate all juvenile services--intake, detention, probation, entrustment or aftercare, residential care, and institutions--into a single Bureau within the Department of Corrections.

7. We recommend that the staff of all juvenile correctional programs, for which the Department of Corrections is responsible, report through a clearly established chain of command to the Associate Commissioner responsible for the administration of the Bureau of Youth Corrections.

#### Discussion

Both recommendations six (6) and seven (7) address the issue of consolidating a number of independent juvenile correctional activities into a single chain of command with common policies and a clearly identified director. At present, juvenile probation is part of a larger unit including both adult and juvenile probation. Resources for community service programs are in a common fund for both juvenile and adult services and are administered by the Associate Commissioner of Corrections. The Maine Youth Center, although reporting to the Associate Commissioner, performs services and functions that cross different disciplines and lines of authority. These two recommendations are intended to blend fragments of the juvenile corrections system into an integrated whole.

8. We recommend that the organization of the Bureau emphasize at least five (5) major functions:

- a. Intake and/ or community services (including prevention, diversion, community alternative care, etc., and any subsidized activity designed to prevent delinquency);
- b. Detention, which includes state support of both public and private facilities and programs offering physically-secure and staff-secure detention for those juveniles who must be detained;
- c. Court services (presentence investigations, observation and evaluation, and placement planning for delinquent offenders);
- d. Field services (including all supervision or monitoring functions now carried out by Probation), including entrustment or aftercare; and
- e. Secure and nonsecure residential and/or treatment options.

#### Discussion

In reviewing the juvenile corrections system, we identified five distinct activities currently carried out by the Department of Corrections to a greater or lesser extent. These five functions, in our opinion, define the nature of the services the new Bureau of Youth Corrections should continue to provide and, in some cases, should provide at a much higher level than is the current case. For example, presentence investigations, observation and assessment, and detention are functions that are carried out in the community for the courts by the state.

9. We recommend that five regional juvenile multipurpose centers be funded and made operational by the year 2000 to facilitate local detention, short-term institutional

**treatment, and observation and assessment.**

### Discussion

We have taken the position that the geography and population distribution of Maine calls for a regional service-delivery system for juvenile corrections. Based on current and past experience, at least five regional centers will be required by the next century. We believe these services should be provided in a juvenile multipurpose center, which we define as a regional facility with varying levels of security to be operated by the Department of Corrections exclusively for juveniles. In size, a center may vary from five (5) beds, or fewer, to a maximum of forty (40) beds. A regional juvenile multipurpose center will have the capability of providing secure detention, nonsecure supervision and shelter, observation and evaluation, and such other programs and services as may be required to serve juveniles placed at such a center. A regional juvenile multipurpose center may also be used to provide secure treatment to juveniles committed to the Department of Corrections.

Experience in a number of other states, along with considerable research, has shown that units of twenty (20) or more beds, built in modules of ten (10), satisfy the scale of size requirements for economic feasibility

for secure detention. Smaller size units are also economically feasible when greatly enriched staffing is substituted for high-cost physical security. The multipurpose center we propose is one that mixes a number of services and programs, only one of which is detention.

10. We recommend that Title 15 of M.R.S.A., Section 1, Section 3003, be amended with regard to the definition of secure detention. Specifically we recommend the following:

Secure Detention. Secure detention shall mean the admission of a juvenile in custody, in any status, to secure confinement in a secure detention facility or to a facility where the juvenile is similarly prevented from departing at will by virtue of intensive personal supervision.

#### Discussion

Maine's current definition of secure detention is entirely in terms of physical construction and not staffing. The experience of other states demonstrates that effective staff supervision is essential to proper security, with or without architectural safeguards. The plan we propose requires the addition of the concept of staff secure facilities.

11. We recommend that the Associate Commissioner for Youth Corrections regularly meet with Juvenile Court Judges and other appropriate officials to discuss problems of mutual concern, the performance and accomplishments of the Bureau, and the coordination and

**cooperation necessary to achieve the purposes of the Bureau of Youth Corrections.**

Discussion

The success or failure of the plan we propose for the year 2000 depends on the good will, understanding, and support of the District Courts and of a number of other officials and organizations. While such coordination and cooperation is implied at present, there is nothing to require **regular and planned** meetings of these critical players in the matter of juvenile justice or corrections. We believe that these meetings should take place at least four (4) times per year and that the responsibility for initiating these regular and planned meetings should be clearly fixed in law, as well as in practice, with the Associate Commissioner of Youth Corrections. Although good will and convenience are motivators to do what is right, we favor a clear statement of responsibility.

**12. We recommend that resources be made available to collect and analyze data necessary for the effective management of the plan we have recommended.**

Discussion

As we have clearly indicated, Maine's current capability to collect, research, and analyze data necessary for the management of its system is non-existent. "By guess and

by golly" may be appropriate methods for a small inexpensive operation, but it is irresponsible for a multimillion dollar correctional effort.

For the system we propose to work properly, or for the system that exists now to operate reasonably, personnel for licensing, contracting, auditing, inspecting, data collection and research are critical. If Maine is to continue spending millions for correctional services, it has the right to know how well those services are being provided and how well they are working. At present, it does not; the simplest requirement is going unmet.

### Diversion

13. We recommend that the Maine Criminal Justice Academy, in cooperation with the Bureau of Youth Corrections of the Department of Corrections, significantly increase the amount of training within the basic police and correctional school curriculum which is devoted to the juvenile code, techniques for working with juvenile offenders, and other juvenile justice issues.

14. We recommend that the Maine Criminal Justice Academy, in cooperation with the Bureau of Youth Corrections of the Department of Corrections, develop a continuing education program in juvenile justice matters for law enforcement officers and juvenile correctional workers throughout the State.

15. We recommend that fiscal support, specifically staff, be provided to the Interdepartmental Coordinating Committee on Primary Prevention to enable the Department of Corrections to meet its statutory obligations and responsibilities to plan and deliver services to prevent juvenile crime as defined in 34-A, M.R.S.A., Section 7002, subsection 2.



16. We recommend that resources and incentives be provided, in the form of multiyear grants, to local police departments and sheriffs' offices, to develop law enforcement's capacity to divert juveniles from the juvenile justice system. Such incentives should be administered by the Maine Criminal Justice Academy, in consultation with the Department of Corrections, and should include technical assistance, training, and grants that encourage the development of juvenile officer specialists in smaller departments and juvenile bureaus in larger departments. Grants should exclude the purchase or rental of equipment. We further recommend that the Legislature appropriate \$400,000 per year for multiyear incentive grants for this purpose.

#### Discussion

The role of law enforcement is crucial to the operations of corrections. Law enforcement determines who intake must screen and who the courts must see. A strong juvenile law enforcement officer or unit can materially reduce the numbers of young persons who eventually wind up in the corrections system. But, in order to do the type of job that we believe must be done, more stress must be put on providing quality juvenile police work. Local units with juvenile officers need to work closely with other components of the juvenile justice system, in order to safely divert into law abiding lives those young people who need support services, but who do not yet require correctional sanctions. We strongly believe that increased training, along with multiyear incentive grants to assist local law enforcement to develop a stronger approach to juvenile work, can materially reduce the numbers of young persons who currently find

their way into the juvenile justice and corrections system. Diversion can work, but, if it is to be effective, those in law enforcement should have the first opportunity to offer alternative help. To do this, they need the encouragement of state support.

### Intake

17. We recommend the specialization of intake staff and services wherever possible. Intake is a discrete and separate function that should be integrated into a larger list of functions only when the number of staff, or the number of intake activities, is too small to warrant specialization.

18. We recommend that community resource development and capacity building be a major responsibility within the intake function, and that the responsibility be clearly delineated by the Department of Corrections' Bureau of Youth Corrections through job descriptions.

19. We recommend that adequate resources be made available for juvenile casework to permit the development and purchase of services necessary to the tasks of ensuring appropriate placement and/or services to all juveniles within the jurisdiction or control of the juvenile justice system.

20. We recommend that the Department of Corrections follow nationally-recognized standards for staff carrying out intake functions.

### Discussion

A 1977 "Blue Print for Children and Youth Services" called for the addition of seventeen (17) juvenile caseworkers to provide a uniform intake service for the courts. The report argued, successfully, that the

existing intake system left the detention decisions and juvenile justice processing to a multitude of law enforcement agencies operating under different policies and understandings of existing law. The authors of the report contended that intake workers, operating as an arm of probation services for juveniles, under common policy, would improve the quality of justice for juveniles while also improving the range of services these juveniles would become eligible to receive.

Their assumption seemed to prevail until the mid-1980s when the crush of excessive workloads and a search for greater organizational and treatment efficiency caused the Department of Corrections to consolidate the intake function with other probation duties. Following this change, informal adjustments began to decline as did referrals to outside social service agencies. Available data tends to suggest that these administrative choices had a marked effect on the intake service established during the late 1970's.

As originally conceived, the intake worker was to be an advocate for juveniles about to be caught up in the juvenile justice system. The operating policy was to divert young people from the juvenile justice system wherever and whenever this could be done safely and was in the child's best interest. In order to accomplish

this expanded role of advocacy, the intake workers were expected to engage in activity in the community to help develop alternative programs and services and to participate in other capacity-building activities within the communities they served. The integration of the intake worker into the normal routines and excessive workloads of juvenile caseworkers forced them to spend more time doing paperwork and other tasks that diminished their ability to develop alternatives to juvenile justice services. They were asked to carry out their added functions without any material increase in the resources available to them.

Experience clearly demonstrates that the original conception of the intake worker as an advocate, someone who was aware of and helped to develop alternative services, operating under common policy and leadership, was wise and had an important impact on the juvenile justice system. The three recommendations presented in the preceding paragraphs recognize the importance of this experience.

**21. We recommend that the juvenile caseworker be required to choose one of the three alternatives available to them under Title 15, Section 3301, within fifteen (15) working days of receiving a referral from law enforcement.. In the event that a caseworker decides it will not be necessary to meet with the juvenile as a part of the preliminary investigation, this time limit will be shortened to five (5) working**

days.

### Discussion

The present Juvenile Code does not set appropriate time constraints on juvenile caseworkers. One of the glaring deficiencies of the current operation of Maine's Juvenile Code is the lack of swift and sure timelines on agencies and persons responsible for the processing of an alleged offender. This recommendation is but one of several that is intended to avoid unnecessary delays in the juvenile justice process either by filling a gap in legislation or shortening a time frame that is excessive by nationally recognized standards.

### Detention

22. We recommend that the state assume the full responsibility for all short and long-term detention and that the Department of Corrections' Bureau of Youth Corrections develop and maintain, as quickly as time and resources permit, either directly or through purchase of services, a range of regional and local holdover or detention services from staff and physically secure facilities, programs or placements, and supervised release programs to a variety of nonsecure alternatives.

23. We recommend that by the year 2000, all secure pretrial detention take place in one of the five juvenile regional multipurpose centers when it is available in a region. Until the multipurpose center is available, secure pretrial detention shall take place in the Maine Youth Center, in a neighboring regional multipurpose center, or an appropriate alternative.

24. We recommend that Section 3203 A, Subsections 7A and 7B, permitting juveniles to be detained in jail, be

**deleted from the Maine Juvenile Code.**

### Discussion

It is our clear intent that no juvenile will be detained in a jail or other secure correctional facility intended or used to detain adults accused or convicted of crimes within the State of Maine. Standards for other states, for the Federal government, and for professional correctional associations recognize that juveniles should not be held in adult jails, lockups or other correctional facilities holding adults. Sheriffs, in private, agree that juveniles should not be held in jail. Collectively, however, and for political purposes, Sheriffs have voiced their concern about losing this function. They are unique in this position and are not supported by the general public or other youth serving agencies. The time has come for this state to declare that it will follow a policy that is consistent with recognized law and standards and no longer detain juveniles in jails. Clearly there will be problems associated with the change we are recommending associated with transportation and the simple mechanics of processing an arrested juvenile. While we recognize the problems, we also hold that they can be resolved in Maine as they have elsewhere. It may well be that the Department of Corrections will have to develop and maintain a small transportation unit in

addition to developing attendant care units throughout the counties. Our intent is clear, however. Once a juvenile has been arrested and transported to the appropriate local detention service, the further responsibilities resulting from that action are to fall to the Department of Corrections.

25. We recommend that in cases where a juvenile is placed in pretrial detention, the existing statutory time limits should be scrupulously followed. In addition, Title 15, Section 3203-A, Subsection 8, which provides that a petition shall be filed within ten (10) days from the date of detention, should be modified to provide that a petition shall be filed within five (5) working days from the date of detention, and the adjudicatory hearing shall take place within twelve (12) working days from the date of filing a juvenile petition, and the dispositional hearing shall take place within twenty (20) working days of the date of filing.

26. We recommend that in cases where a juvenile is not in pretrial detention, the prosecuting attorney shall file a juvenile petition within fifteen (15) working days of the decision of the juvenile caseworker.

27. We recommend that Section 3103 A, Subsection 8, be amended to read: In the event that the court orders detention, after a detention hearing in accordance with subsection 5, paragraph B, a petition shall be filed within five (5) days from the date of detention, ...(balance of section remains the same).

28. We recommend that failure to meet the time specified in the statutes for any of these events shall be grounds for appropriate sanctions including dismissal of a juvenile petition upon motion of the defendant. Said dismissal shall be without prejudice if the prosecuting attorney can present evidence of good cause for the delay. Any filing of a motion of continuance by the attorney for the juvenile shall toll the running of these time limitations.

## Discussion

During the year we were investigating the juvenile justice and correctional system of Maine, we were appalled to discover that many juvenile offenders waited for up to six months for a disposition of their case. In some instances, juvenile offenders came before the court on their second offense before the court had reviewed their first. Such delays are inexcusable and violate virtually every principle of law and behavioral control. Justice, particularly for juveniles, must be swift and sure if it is to have any meaning on their life. The Institute of Judicial Administration of the American Bar Association recommends the following standard with regard to speedy trial:

7.10. To curtail detention and reduce the risk of release and control, all juvenile offense cases should:

Proceed to trial within fifteen (15) days of arrest or the filing of charges, whichever occurs first, if the accused has been held in detention by order of a court for more than twenty-four (24) hours; or within thirty (30) days in all other cases.

In any case in which the juvenile is convicted of a criminal offense, a disposition should be carried out within fifteen (15) days of conviction; or within thirty (30) days of conviction in all other cases.

The above time limits may be extended not more than sixty (60) days if the juvenile is released, and not more than thirty (30) days if the juvenile is detained. Exceptions to these time limits can be made in extreme circumstances by the court and its officers for good cause.



As previously indicated, these are minimum standards for speedy justice. The standards we are recommending exceed these minimum requirements slightly, and are stated in terms of working days to give due allowance for holidays and weekends. We believe them to be appropriate timelines for Maine. We also believe that these timelines will underscore the fact that the state takes juvenile crime seriously and will act expeditiously to correct such behavior.

#### Investigation

29. We recommend that Section 3311, Subsection 3, of the Maine Criminal Statutes be amended to require that a written predispositional report be mandatory whenever:

- (a) A report is specifically requested by the court;
- (b) Placement outside a juvenile's home is being considered;
- (c) The juvenile adjudicated is twelve (12) years of age or younger;
- (d) The juvenile has been adjudicated of committing a sex offense;
- (e) The juvenile has been adjudicated of committing an offense which, if committed by an adult, would be a Class A, B or C crime; or
- (f) It is otherwise appropriate.

30. We recommend that the Department of Corrections' assign juvenile casework staff to full-time presentence investigations on the basis of nationally-recognized standards, that is, sixteen (16) full court

investigations per month per officer. This standard is based on experience that establishes that a complete, new, presentence investigation requires at least fifteen (15) hours of work to meet minimum standards for quality. Officers carrying combined caseloads of supervision, investigation, and intake must have their workloads adjusted accordingly.

31. We recommend that the predisposition report be standardized and developed as a primary source of information for case planning by the Department of Corrections' Bureau of Youth Corrections, the Court and others having a legitimate interest in a proceeding. In addition, we recommend that the defense attorney and/or the district attorney be empowered to add an addendum to the report whenever it is determined to be appropriate.

32. We recommend that the predisposition reports be viewed as a primary source document for placement and treatment of the juvenile and, as such, accompany the juvenile throughout his or her changes in programs and placements made by the justice system.

33. We recommend that the predisposition report include, at a minimum, the following:

- a. A record of all previous arrests and convictions,
- b. A description and discussion of the current offense,
- c. Details regarding the circumstances bringing the juvenile before the court including his or her physical, mental, and emotional status, and the environmental, familial and economic forces which have exerted any appreciable or significant influences on his or her life and behavior,
- d. School or work experience, and
- e. A specific and detailed individual treatment plan along with recommendations for the specific actions and programs necessary to implement the plan.

34. We recommend that there shall be specialized juvenile caseworkers, whose sole function will be to prepare presentence investigations unless, in a particular region, the number of staff or the number of investigations prepared are too small to justify specialization.

35. We recommend that the Department of Corrections' Bureau of Youth Corrections adopt and implement a state-wide classification instrument and/or system to screen

**for risk and assist in long range program planning for the individual offender.**

### Discussion

Section 3311 of the Maine Juvenile Code states:

Unless waived by the court, the Department of Corrections shall make a social study and prepare a written report on every juvenile adjudicated as having committed a juvenile crime and shall present that report to the juvenile court prior to that juvenile's dispositional hearing. The person who prepared the report may be ordered to appear, as provided in subsection 1.

In the course of our year long study, we discovered that many of the juvenile courts were not aware of the above requirement and, indeed, felt that if they had had such a report, they might not have felt it necessary to ask for an observation and assessment through other channels. We estimate that only about ten (10) to twenty percent (20%) of all dispositions are made following the submission of a written predispositional report of the type required in the Juvenile Codes. In the the balance of the cases, probation officers generally make verbal reports to the court regarding possible dispositions. This informal reporting to the court raises serious questions about due process, but even more important, it denies both the court and the Department of Corrections of well thought out case history and treatment plan essential to informed decision-making.

The informal nature of presentence reporting has serious consequences throughout the balance of the justice and corrections system. Dispositions are made without all of the information the courts are justly entitled to; youth arrive at treatment programs and correctional facilities without background material that would help program staff make good decisions about security and treatment needs; there is, in practice, no standardized method for collecting the data and information upon which informed decisions can be made.

The problem we are addressing in these recommendations is directly related to excessive workloads for probation officers, who do not have, or take, the time necessary to follow the Maine Juvenile Code. It also leads to the lack of an effective information system which can be used to improve the quality of dispositions and decisions made throughout the juvenile justice and corrections system. More important, this goes to the heart of what probation is supposed to offer: careful and thoughtful assessment of the needs of the probationer, and the development and implementation of effective individual treatment plans designed to address these needs. To accomplish these goals, there must be enough well trained and motivated staff to do the job. There must also be administrative oversight that reviews

the quality of the reports developed and their appropriateness to the tasks that must be undertaken.

Quality presentence reports assist the courts to make good dispositions that will keep the juvenile offender from returning to the court. They frequently mean that the court does not have to send the offender to the Maine Youth Center for observation and assessment, services for which it is not staffed. Good reports reduce the failures the system currently experiences and can materially affect the numbers of youth who must be detained in secure custody. Of all of the components of the system, investigation is the most critical to the development of information to be used for classification, that is, the level of security a given offender requires in the interest of him/her self or the public safety. Within any corrections system, nothing is more important to the other components of that system than the investigative process which develops the information for decisions and the treatment plan that will correct.

### Juvenile Court

36. We recommend that full time, specialized Juvenile Courts be established as quickly as time and resources permit to serve the major regions of the state. This recommendation is in the interest of the children and youth of this state, and is consistent with the general

**finding of the Commission that there is a greater need for specialization of services to children and youth.**

#### Discussion

We recognize that this recommendation may be controversial, but based on our hearings and the general response of the public and those working in the field of child services, there is a clear consensus that there needs to be a specialized juvenile court, one that devotes its entire energy and attention to juvenile matters.

From the courts' standpoint, we recognize that this specialization would, for a limited time only, restrict the judge's opportunity to deal with law across a broad spectrum and, from an emotional standpoint, its implementation might be much more stressful. However, other jurisdictions have resolved these problems by assigning judges to the juvenile bench for a specific period of time and then rotating them--rotations are generally at six (6) months or one (1) year. We strongly believe our recommendation is in the interest of the children and youth of this State and is consistent with the findings of the Commission that there is a greater need for specialization of services to children and youth brought before the juvenile court. We believe ongoing planning efforts should pursue this

matter further.

37. We recommend, as an interim and immediate first step, that all judges handling juvenile matters receive substantially increased training in the area of juvenile justice programs and services.

38. We recommend that the Department of Corrections' Bureau of Youth Corrections assume the responsibility for offering training to the judiciary, including visits to correctional institutions and programs, regular meetings with juvenile field services staff, and similar educational endeavors.

39. We recommend that the Bar Association continue to provide legal education programs in the handling of juvenile cases and that the state subsidize such programs.

#### Discussion

We recognize that the creation of specialized juvenile courts, if it occurs, will have to take place over the next decade. In the interim, we believe there is a great deal that can be done to improve the information available to the court about juveniles, juvenile corrections, and options that the court should consider when making dispositions in juvenile matters. Juvenile delinquency, juvenile justice and juvenile corrections have developed specific bodies of knowledge and practice that should be offered for the courts' consideration in a relaxed learning situation.

40. We recommend that judges be encouraged to enter an order requiring parents and/or juveniles to contribute to the state towards compensation for appointed counsel if they have any ability to make such contributions.

41. We recommend that written policies be developed in each court regarding the court-appointment process so that a visiting judge or a new attorney in that area can determine how appointments are made and to assure that appointments are not based on favoritism. The process for selecting attorneys varies widely from court to court. While we recognize that this expresses regional variations and may be appropriate adaptations to local needs, written procedures and policies should be available to explain the practice.

#### Discussion

While we believe the two preceding recommendations are self explanatory, we have suggested in one that financial responsibility is a fundamental part of any correctional process, whenever it is appropriate, and in the second that individual practices should be made explicit in writing so that court-appointment procedures can be understood by those who are strangers to the system. They are, in simple terms, procedural steps that the court might take to improve practices.

42. We recommend that, in cases where the juvenile is not in pretrial detention, an adjudicatory hearing shall take place within twenty (20) working days of the filing of a juvenile petition. The dispositional hearing shall take place within thirty (30) working days of the adjudicatory hearing.

Failure to meet the time specified in the statutes for these events shall be grounds for appropriate sanctions including dismissal of a juvenile petition upon motion of the defendant. Said dismissal shall be without prejudice if the prosecuting attorney can present evidence of good cause for the delay. In addition, any filing of a motion of continuance by the attorney for the juvenile shall toll the running of these time limitations.



### Discussion

In an earlier section we have stressed the importance of a speedy trial in the pursuit of justice. This recommendation follows others made in earlier sections to ensure that justice in Maine is both swift and sure.

43. We recommend that the Juvenile Court be empowered to request observation and assessment by the Department of Corrections of juveniles who have committed a delinquent act and present special or unusual problems requiring special study prior to the court's making a disposition. Requests shall be made to the Commissioner of Corrections, who shall indicate the time and place of such assessment.

Such services may be either a direct service or contracted service of the Department of Corrections. Such requests shall represent a temporary transfer of custody and will not be deemed to be a commitment to the Department of Corrections' Bureau of Youth Corrections.

44. We recommend that when such referrals are made by the Juvenile Court, the Department of Corrections' Bureau of Youth Corrections shall, within forty-five (45) days, cause the person to be observed and examined and shall forward to the Juvenile Court the agency's diagnosis and recommendation concerning such person's future care, supervision, and treatment.

### Discussion

Each of the above recommendations is designed to make procedural changes consistent with the establishment of a Bureau of Youth Corrections within the Department of Corrections. In the event a Juvenile Court feels that commitment to the Department of Corrections is the most appropriate disposition available for a given case, it

is authorized to make such commitments, providing the offender is not to be continued on probation. On the other hand, if the Juvenile Court needs assistance in the form of observation and assessment before making a final disposition, it may refer a juvenile to the Department for these services. In turn, the Department is obliged to provide this information within a reasonable time-frame. The recommendations also spell out some of the procedural requirements that must be followed.

### Probation

45. We recommend that probation be a service provided to the Juvenile Court by the Department of Corrections' Bureau of Youth Corrections.

46. We recommend that the term direct probation supervision or treatment be understood to mean service provided to the probationer, his family, and where necessary, associates in the community, at home, work and school. Face-to-face-contact with the probationer in the community should be the principal means of supervision used by the juvenile caseworker and not simply an office or telephone report. These services may be provided by community trackers or volunteers under the supervision, guidance and leadership of juvenile caseworkers.

47. We recommend that the juvenile caseworker be seen as the case manager and advocate for a juvenile within the juvenile justice system. As such, it is the duty of the juvenile caseworker to ensure that needs, obligations, and rights of all probationers and persons on aftercare are protected.

48. We recommend that the average supervision caseload for a juvenile caseworker providing direct treatment service to probationers under supervision not exceed thirty-five (35) cases per officer.

49. We recommend that the Department of Corrections' Bureau of Youth Corrections develop a program of community trackers and volunteer probation aides as a means of increasing knowledge about probationers' behavior as well as increasing the services available.

50. We recommend that the probation service meet or exceed nationally recognized standards as to monitoring, brokering of services, and providing direct services to probationers in accord with the individual treatment plan developed in the predisposition investigation conducted for the juvenile court.

51. We recommend that the Department of Corrections' Bureau of Youth Corrections be given the resources to provide a full range of community programs for juveniles on probation or in aftercare on conditional release. Such resources should permit, but not be limited to, the direct delivery or purchased delivery of intensive supervision, fosterhome placement, grouphome placement, psychiatric fosterhome placement, drug treatment services, special counselling for special problems relating to sex, emotional illness, learning disabilities, structured but non-secure placement in private institutions, facilities, hospitals and schools, shelter placement, work placement, vocational training, etc.

52. We recommend that the Department of Corrections increase the availability of appropriate residential services to juvenile corrections' clients through utilization of Chapter 789, the Eligibility Statute. This will require both a re-definition of eligible clients and sufficient funds to implement programming for them by the Department of Corrections.

### Discussion

Our recommendations with regard to probation and its role in a new and vitalized Bureau of Youth Corrections are intended to drastically change the nature of the service provided from one of surveillance and monitoring to one of advocacy, active supervision, and practical assistance offered through a broad array of community

services.

Recommendation forty-five (45) is procedural and recognizes that probation, even with a Bureau of Youth Corrections, will still be a service provided by the state to the District Courts. Recommendation forty-six (46) makes explicit what we believe an active and effective probation service must be. We have, in effect, defined what we mean by probation and what the community should expect from the service. This is a significant change from the present system, which is primarily an office reporting service for the court.

Recommendation forty-seven (47) is also definitional in nature. We see the probation officer as something more than someone who says, "Something should be done." We see probation as the service that ensures that "what should be done" is, in fact, accomplished. It is the service which links its client's needs with the services of other agencies and programs by aggressive pursuit of treatment goals on behalf of a probationer. It is not a service of passive referral or therapeutic neglect.

To guarantee that the above is possible, we ask that recognized national standards be met with regards to probation officer supervision workloads. Our recommendation of average caseloads of thirty-five (35)

per juvenile caseworker does not mean thirty-five (35) cases for every juvenile caseworker; it is an average that permits caseloads to be classified for security and levels of service. For example, some juvenile caseworkers may be assigned to intensive supervision of juveniles, and carry caseloads of eight (8) to ten (10) probationers, delivering as much as eight (8) hours or more of service per week to every probationer in the caseload. Probationers can be watched, can be counselled, can be given practical assistance with work or school, can be treated in ways that will assist them to overcome problems of drug abuse, uncontrolled emotional behavior, etc. Still other caseloads may be as large as seventy-five (75) or one hundred (100). These would be cases that require only minimal supervision or assistance, are near discharge because of satisfactory behavior, or are in a placement under the direct control and supervision of some other program or service. The average caseload recommended permits cases to be placed under strict supervision during the period they are most vulnerable to failure, the first ninety (90) to one hundred twenty (120) days. Thereafter, this average permits the probation service to transfer the offender into a level of service that requires less time and resources to be expended on the offender while maintaining public safety.

Present juvenile caseworkers carry a workload that is approximately twice the recommended national standards. It is not surprising that the current levels of effort and success of the service do not reach acceptable levels of performance given this continuing handicap. A probation service that is adequately staffed with properly trained caseworkers, and which has adequate financial resources, can materially alter the nature of juvenile corrections. We urge the state to recognize that probation can be its most economical correctional service and, in fact, can be the key to reducing institutional populations.

#### Commitment

53. We recommend that the Juvenile Court should be authorized to recommend to the Department of Corrections the degree of security it believes appropriate for the protection of the juvenile or the community.

54. We recommend that the Department of Corrections be authorized to refuse to accept any juvenile commitment unless accompanied by a certified copy of the order of commitment indicating the commitment offense, the degree of same, and the length of jurisdiction, if it is to extend beyond the eighteenth (18th) birthday.

We also recommend that the judge, before whom the person was tried and committed, shall ensure that a copy of the predisposition investigation completed by the juvenile caseworker accompanies the commitment order and includes all relevant information about the juvenile.

### Discussion

The first two recommendations included under commitment are essentially procedural with regards to delivery and security status. To enforce the Department of Corrections' right to expect that all commitments will be accompanied by the proper documentation, something that is not always the case now, we have also recommended that the Department have the right to refuse delivery until appropriate documentation is made available.

**55. We recommend that the Department of Corrections' Bureau of Youth Corrections adopt a uniform classification instrument to be used throughout its system and programs, whether provided as a direct or contracted service.**

**56. We recommend that the classification system adopted by the Department of Corrections' Bureau of Youth Corrections be integrated with the needs of management, and that its primary function be to screen for risk and assess the level of security initially required for public protection. It should be a device to determine needed security rather than treatment needs.**

**57. We recommend that the Department of Corrections systematically review and, where necessary, modify its classification system for juveniles in terms of changing needs and populations.**

### Discussion

At the present time, the Department of Corrections does not systematically classify juvenile offenders for risk. In both probation and the Maine Youth Center, individual treatment plans are sometimes developed, but generally

in the absence of a clearly articulated assessment of the level of security required.

Classification for risk, that is, determining the initial level of perceived risk an offender represents to society, based on verifiable and objective measures like commitment offense, prior history, assaultive record, and escape or failure in other programs, is not currently a part of the Department of Corrections' processing of juveniles. It is for adults. We recommend that classification be fully integrated into the operations of the proposed Bureau of Youth Corrections. We recognize that security needs change with progress in treatment programs, with maturity, and with other factors; this is why we have proposed a **classification system**, one that initially classifies for risk but is then modified based on experience and progress made by an offender in treatment. Classification gives you an estimate of how high a fence must be; it does not tell you what needs to be done with an offender within that secure perimeter. To determine what the individual treatment program should be is the separate and distinct task of a case conference committee.

**58. We recommend that for every youth committed to the Department of Corrections an individualized treatment**



plan must be completed within forty-five (45) days of commitment. We also recommend that the treatment plan shall be reviewed by the Department on a regular and ongoing basis but not less than once every six months.

59. We recommend that the supervision and monitoring of the classification system and implementation of individual treatment plans be given high priority to ensure the continuation of the proper focus of effort and expenditure of resources to meet the juvenile's need.

#### Discussion

As previously indicated, both classification and preparation of individualized treatment programs are required for every juvenile committed to the Bureau of Youth Corrections within the Department of Corrections. To ensure that both activities are meeting the needs of the agency and the offender, each juvenile's individual plan must be monitored by those responsible for supervising the juvenile caseworker delivering direct service, or other contracted services. Failure to do so could result in these critical activities becoming routine and bureaucratic rather than purposeful and useful.

60. We recommend that when a juvenile has been committed to the Department of Corrections, the Bureau of Youth Corrections, acting upon the delegated authority of the Commissioner of Corrections, may:

(a) At any time, permit the youth his/her liberty under supervision and upon such conditions as it believes conducive to law-abiding conduct,

(b) Order confinement under such conditions as it believes best designed for the protection of the public,

(c) Order reconfinement or renewed release under supervision as often as conditions indicate to be desirable,

(d) Discharge him/her before the expiration of its control when it is satisfied that such discharge is consistent with the protection of the public and the needs of the individual, and

(e) Revoke or modify any order, except an order of discharge, whenever conditions indicate such action to be desirable.

#### Discussion

Recommendation sixty (60) defines the authority to be delegated to the Director of the Bureau of Youth Corrections by the Commissioner of Corrections. It also defines the range of alternatives available to the Department in treating an individual committed to it.

61. We recommend that, to the extent resources are made available, the Department of Corrections' Bureau of Youth Corrections shall establish and operate, or contract for:

a. Places for observation and assessment of juveniles committed to the Department of Corrections or of juveniles requiring such observation and assessment prior to the Juvenile Court's being able to make an appropriate disposition,

b. Places of detention pending adjudication and disposition by the Juvenile Court. Such places of detention may be physically secure or staff secure and may be privately or publicly operated,

c. Places of confinement, educational institutions, hospitals, and other correctional facilities, institutions, agencies and programs, for the proper execution of its duties, including, but not limited to, forestry and other work programs, half-way houses, and transition homes leading to emancipation,

d. Institutions, agencies and programs for the supervision, training and control of juveniles, who have not been placed in confinement or who have been released from confinement by the Department of Corrections upon conditions, and for aiding such persons to find employment and assistance,

e. Special programs for intensive supervision in the community, including those offered by probation and conditional release personnel, as well as neighborhood trackers, special foster homes, attendant care, day care, work-study programs, family casework, proctor programs, shelter-care services, drug and alcohol treatment programs, and

f. Programs designed to aid youth, who have been discharged by the Department of Corrections from its control, in finding and maintaining employment, and in leading a law-abiding lives.

#### Discussion

For this proposed system to work, it will need substantially increased resources for alternative forms of residential care and community treatment services. Subcommittees working on these issues identified the need for a total of two hundred thirteen (213) additional beds for services like respite care, emergency shelter, professional foster care, independent living, nonsecure residential care, etc. Additional investment of resources will pay dividends in the form of reduced need for expensive secure detention, reduced juvenile crime, greater productivity as adults, and less pressure on the adult penal system. The added resources could be used for contract placements for juveniles now cared for on probation or at the Maine Youth Center. For full details see the "Spectrum of Services Report"

in the appendices of this Report.

A second subcommittee assessing nonresidential treatment services found that Maine needs a ten fold increase in Home Based Family Services, from the current forty-nine (49) families to five hundred (500) families. In the area of evaluation and assessment capabilities, an increase from fifty (50) to five hundred (500) evaluations per year are needed. Community treatment for sex offenders, and others requiring skilled professional counseling, needs to be expanded as well, from services for fewer than one hundred (100) juveniles per year to services for sixteen hundred eighty (1680) per year at the earliest possible date. We need five times the capacity we now have to provide emergency housing, clothing, etc. We need six times our present capacity for attendant care. The increases appear large, but this is because our present level of services has been inadequate for the need for many years. Improvement in our juvenile corrections system for the year 2000 depends on making significant progress in these areas. It is in these programs that we have the greatest hope of reducing delinquency and the future population of our prisons. These are the resources that will permit our model to work. For further details, see the "Comprehensive Needs Assessment" in the appendices of this Report.

**62. We recommend that, upon the establishment of appropriate and adequate residential and nonresidential service options for juvenile corrections' clients, the dispositional alternative for custody to the Department of Human Services in Title 15, Sections 3312 and 3314, be eliminated.**

#### Discussion

In the model we have proposed for the Department of Corrections' Bureau of Youth Corrections, responsibility for funding and placement has been vested in the Department of Corrections. Both the resources and options currently offered by the existing provisions of the law are to be transferred to the Department of Corrections. Hence, this particular provision within the law no longer will be needed. This recommendation is a companion recommendation to fifty-two (52).

**63. We recommend that the Juvenile Code be amended to delete section 3314 H permitting the Juvenile Court to sentence a juvenile to up to thirty (30) days in the county jail.**

#### Discussion

We have taken the strong position that no juvenile should be held in a county jail. We have buttressed this recommendation with others calling for the development of juvenile regional multipurpose centers, strengthened attendant care services, and have recommended that the

state assume the full responsibility for the detention of delinquents as well as their treatment. In addition, provisions in the existing Juvenile Code have been preserved so that an offender who has committed a delinquent act as a juvenile can be committed to the Department of Corrections for up to his or her twenty-first (21st) birthday. Given these options, we can no longer see the need for a provision permitting the commitment of a juvenile to the county jail. If an older adolescent needs treatment beyond his or her eighteenth (18th) birthdate, the Department of Corrections is empowered to provide such services.

**64. We recommend that the Department of Corrections be authorized to require youth committed to the agency to perform work necessary for local, state and federal agencies, dealing with such things as forestry, water, parks and recreation, fish and game, transportation, and state lands.**

**All work and contracts associated with these activities must be in compliance with existing law at the federal, state and local level.**

**For the purpose of this recommendation, we recommend that the Department of Corrections be authorized to enter into contracts with federal and state officials and departments as well as private companies. Further, we recommend that monies received pursuant to these contracts shall be paid into the State Treasury to support the Department of Corrections' Bureau of Youth Corrections. The Department of Corrections may provide, from those monies, for payment of wages to the youth committed to the Department for work they do pursuant to any of these contracts.**

## Discussion

Juvenile corrections in Maine has not followed the lead of a number of other states in developing a comprehensive work program for its older charges. Given the vast forestry interests of Maine, along with other public resource needs, the opportunities for developing new program options for older juvenile offenders is limitless. As noted earlier in this report, over sixty percent (60%) of the youth at the Maine Youth Center are sixteen (16) years of age or older. A substantial portion of the population is seventeen (17) years of age or older. These are young people who are about to enter the labor market and who are likely to be living independently once they are released from the Maine Youth Center or probation. Given these circumstances it seems not only appropriate, but absolutely necessary, to begin expanding work opportunities in the areas outlined. To do so, the new Bureau of Youth Corrections needs the authority to act. That is the substance of this recommendation.

**65. We recommend that as a means of correcting socially harmful tendencies of a person committed to it, the Department of Corrections' Bureau of Youth Corrections be authorized to:**

**(a) Require participation by him or her in vocational, physical, educational and corrective training and activities,**

**(b) Require such conduct and modes of life as seem best adapted to fit him or her for return to full liberty**

without danger to the public welfare, and

(c) Make use of other methods of treatment conducive to the correction of the person's behavior and to the prevention of future public offenses by him or her.

In implementing these recommendations the Department of Corrections will provide advocacy services to ensure that all treatment of juveniles is consistent with the client's civil rights.

66. We recommend that the Department of Corrections have the authority to inspect all public institutions and agencies whose facilities it is authorized to utilize and all private institutions and agencies whose facilities it is using. Further, every institution or agency, whether public or private, is required to afford the Department reasonable opportunity to examine or consult with persons committed to the Department who are, for the time being, in the custody of the institution or agency.

67. We recommend that placement outside of the Department of Corrections shall not terminate the control of the Department, and further, that no persons committed to the Department shall be released or transferred from a placement outside of the Department without the Department of Corrections' prior approval.

68. We recommend that any institution used for secure placement meet standards, including staffing ratios, determined and published by the Department of Corrections.

Furthermore, we recommend that the Department of Corrections ensure that any placement of a juvenile, subject to its authority, in a program or facility outside of its immediate control and operation, shall meet all appropriate standards.

#### Discussion

The above recommendations are presented as procedural safeguards to guarantee that appropriate standards and procedures are followed at various levels of placement and programming for juveniles committed to the Department of Corrections, including those who are



subject to services provided by outside vendors.

**69. We recommend that the State have at least one high security, long-term treatment facility for high risk juveniles--an institution with intensive training for staff and juveniles, with a stated capacity meeting or exceeding national standards, and a staffing ratio that permits both quality control and treatment.**

#### Discussion

While it is our intent that there will be five juvenile multipurpose detention and treatment centers around the state by the year 2000, there may well be a need for a significant portion of one of these five facilities to be reserved for the long term treatment of serious offenders. In particular, we have in mind the sex offender, the emotionally disturbed offender, the dangerous offender, and others who may need secure, long-term treatment. For these cases, it may not be possible, either economically or realistically, to provide for their care in more than one place around the state and do it safely.

**70. We recommend that the Department of Corrections' Bureau of Youth Corrections develop and publish (by January 1, 1990) the implementation plan for community-based programs for juveniles now held for court, for detention, and for treatment, that considers the unique needs and resources of communities for regional detention and treatment.**

**71. We recommend that the above implementation plan include a statement of needs and resources required to reduce, substantially, the population of the Maine Youth**

Center as quickly as possible and as quickly as other resources become available.

72. We recommend that the implementation plan also include a statement of needs and resources required to establish five regional juvenile multipurpose centers providing detention, observation and assessment and short-term treatment; centers that may range in size from five (5) to a maximum capacity of forty (40), by January 1, 2000.

Said implementation plan is to be incremental, setting forth the requirements, the rationale, cost, time lines and priority for the establishment of each regional system of care.

#### Discussion

The above recommendations are intended to fix the responsibility for the short and long-term development of a detailed plan for juvenile corrections on the Department of Corrections' Bureau of Youth Corrections. While we have designed the general framework for that plan and have laid down its basic requirements, more needs to be done to develop a detailed statement for implementation. We believe that task, appropriately, belongs with the new Bureau of Youth Corrections.

#### Aftercare

73. We recommend that any revocation of aftercare continue to be governed by the principles outlined in Morrissey v Brewer.

#### Discussion

In 1972 the U.S. Supreme Court, in the case of

Morrissey v Brewer, found that a parolee's liberty interest was sufficiently important to be covered by the fourteenth amendment's due process guarantee. While not requiring all of the formal protections of a criminal trial, it was held that, at a minimum, a parolee was entitled to a preliminary hearing to determine whether there were reasonable grounds to revoke a status of conditional release. An informal system could be set up to assure that the finding of a parole violation is based on verified facts. The hearing should be held near the place of violation or arrest, as promptly as convenient after arrest, by an independent officer, who need not be a judicial officer. The rights of the parolee to be present, to present evidence, to cross-examine hostile witnesses, etc. were required. We believe these principles must continue to be followed by the Bureau of Youth Corrections.

**74. We recommend that any person on aftercare shall continue to be entitled to any and all of the services and programs available to a person on probation--his or her post-institutional-release status does not deprive him or her of any service or program available to any other person under the control or jurisdiction of the Department of Corrections which is appropriate to his or her need.**

#### Discussion

Maine provides different correctional services within the same Department. The Department of Corrections

provides intake, investigation, and probation supervision to the Juvenile Court. It also provides aftercare for youth released from the Maine Youth Center. Because the different services develop different resources, a juvenile in one status, aftercare, might be denied services available to a probationer. We believe that if a service is needed by a given juvenile being served by the Department of Corrections, he or she should be entitled to access that service regardless of legal status. For example, foster homes, group homes, etc. should not be segregated according to legal status, and the same should be true for all treatment programs.

#### Release and Return to Custody

**75. We recommend that the Department of Corrections promulgate existing protocols dealing with release and returns to custody as policy, and modify them from time to time to meet changing conditions.**

#### Discussion

In the past, the Department has sometimes experienced internal conflict over release and return to custody issues. In recent months, these problems have been ameliorated, and written policies have been developed. While the progress is to be commended, it is important that protocols that have been established be written and

published in the Department's Policy and Procedures Manual in order that all staff have an equal understanding of these agreements and can be held accountable for compliance.

### Discharge

76. We recommend that every youth discharged from control by probation or the Department of Corrections who, during the period of control exercised by the Department, and for three years thereafter, has not been convicted of a new offense, may, with the assistance of the Department, petition the Juvenile Court to have the finding of fact that led to his or her commitment set aside and his or her record sealed, thereby releasing him or her from all penalties and disabilities resulting from the original finding.

77. We recommend that every person discharged from control by the Department of Corrections be informed of this privilege in writing at the time of discharge.

### Discussion

It is our belief that any juvenile who successfully completes a term of probation or commitment to the Department of Corrections without further violation, and who goes without arrest for three years thereafter, has earned the right to have his or her records sealed and to be released from any disabilities resulting from his or her conviction. We believe that a person demonstrating reformed behavior should have that behavior recognized in a positive fashion. Our recommendation reflects that belief.

## **Conclusion**

The plan we have presented establishes the foundation upon which a sound juvenile corrections system can be built and delineates the steps to achieving that system. We have identified the principles that experience and research tell us are sound building blocks for an effective corrections system; we have identified critical gaps in our present system; and, we have proposed a long-term strategy for closing those gaps as we move forward to achieve the model system we believe Maine is entitled to have for its children and youth. We have completed our task, and the rest is now up to the Legislature, the Department of Corrections, and the citizens of this state to act.









## APPENDICES

JUN 29 '87

BY GOVERNOR

68

RESOLVES

## STATE OF MAINE

—

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

—

H.P. 1302 - L.D. 1781

Resolve, to Establish the Juvenile  
Corrections Planning Commission.

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

Whereas, the Department of Corrections is engaged in a comprehensive planning process for the future of correctional facilities and programs; and

Whereas, the needs of youth have yet to adequately address this planning process; and

Whereas, a Juvenile Corrections Planning Commission is needed to create a master plan for juveniles; and

Whereas, the Juvenile Corrections Planning Commission must begin work immediately to complete its assignment in time for the 114th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Commission established. Resolved: That the Juvenile Corrections Planning Commission is established. The commission shall be comprised of 18 members who shall be appointed in the following manner:

The Commissioner of Corrections or his designee; the Commissioner of Educational and Cultural Services or his designee; the Commissioner of Human Services or his designee; the Commissioner of Mental Health and Mental Retardation or his designee; one district attorney to be selected by the Commissioner of Public Safety; one employee of the Division of Probation and Parole to be designated by the Commissioner of Corrections; one sheriff who is a member of the Maine Sheriffs' Association, one police officer who is a member of the Maine Chiefs of Police Association, one Training School Counselor who is a member of the Association of Federal, State, County and Municipal Employees, one Maine Youth Center Unit Director who is a member of the Maine State Employees Association, one member of the Advocates for the Developmentally Disabled, one member of a nonprofit agency which contracts to provide community-based services with the Department of Corrections and one member from the Juvenile Justice Advisory Group, all to be appointed by the Governor; and 3 members of the House of Representatives, appointed by the Speaker of the House and 2 Senators, appointed by the President of the Senate, of which 4 Legislators shall be members of the Select Committee on Corrections and one Legislator shall be a member of the Joint Standing Committee on Appropriations and Financial Affairs; together with one District Court Judge and one Superior Court Judge, who shall act as nonvoting advisory members, both to be appointed by the Chief Justice of the Supreme Judicial Court. The members shall choose a chairman from among themselves at their first meeting. Legislators shall receive the legislative per diem and all other members shall receive expenses only; and be it further

**Consultants. Resolved:** That the Commissioner of Corrections shall contract with private consultants to develop a proposed plan for juvenile correction services, including an analysis of current services being provided by the State and local agencies; the relationship between institutional and community programs; the relationships among services being provided by the Department of Corrections, Department of Human Services, Department of Mental Health and Mental Retardation and Department of Educational and Cultural Services; projections of need for services

during the next decade; appropriate policies, facilities and programs required to meet the need for services in the future; and steps to achieve the planned system of juvenile correctional services; and be it further

**Report. Resolved:** That the commission shall receive the report from any consultants which the Department of Corrections hires, analyze any recommendations made and recommend a master plan for juvenile corrections. The master plan and any necessary implementing legislation shall be submitted as a report to the First Regular Session of the 114th Legislature for approval by March 1, 1989. Any necessary staffing shall be provided by the Department of Corrections; and be it further

**Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

	<u>1987-88</u>	<u>1988-89</u>
<u>LEGISLATURE</u>		
Juvenile Corrections Planning Commission		
Personal Services	\$ 1,650	\$ 1,650
All Other	4,500	8,300
Total	<u>\$ 6,150</u>	<u>\$ 9,950</u>

CORRECTIONS, DEPARTMENT OF

Administration

All Other	\$43,900
-----------	----------

These funds will provide money with which to hire consultants and fund the study and funds not spent shall carry forward until June 30, 1989, to be used for the same purpose.

TOTAL

\$50,050

\$ 9,950

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

---

In House of Representatives, ..... 1987

Read and passed finally.

..... Speaker

---

In Senate, ..... 1987

Read and passed finally.

..... President

---

Approved ..... 1987

..... Governor

Appendix B

TABLE 1  
YOUTH POPULATION ESTIMATES

(Source: Bureau of Vital Statistics--Intercensal Pop. Estimates)

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Total Population	1,125,027	1,132,849	1,136,199	1,145,730
Under 5 yrs.	78,531	80,560	80,371	81,407
5-9 yrs.	-----	80,320	78,625	78,646
10-14 yrs.	-----	93,430	92,028	90,955
15-19 yrs.	-----	104,887	102,137	98,967
5-17 yrs.	242,920			
Totals	321,451	359,197	353,161	349,975
Crime Prone Pop. 10-19 years.	-----	198,317	194,165	189,922

Table 1 Continued.

Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Total population	1,156,485	1,163,849	1,173,730	1,186,300
Under 5 yrs.	82,490	83,725	85,185	86,540
5-9 yrs.	79,350	80,910	82,534	86,910
10-14 yrs.	88,895	85,622	82,755	81,650
15-19 yrs.	96,365	94,551	93,955	54,670
5-17 yrs.	-----	-----	-----	-----
Totals	337,100	344,808	344,429	309,770
Crime Prone Pop. 10-19 yrs.	185,260	180,173	176,710	136,320



Table 1 Continued.

Year	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1996</u>
Total Population	1,195,770	1,203,280	1,210,570	1,253,860
Under 5 yrs.	85,930	85,820	85,100	81,600
5-9 yrs.	87,940	88,510	89,000	90,030
10-14 yrs.	82,040	83,470	84,910	90,640
15-19 yrs.	52,590	49,970	48,730	53,060
Totals	308,500	307,770	307,740	315,330
Crime Prone Pop.				
10-19 yrs.	134,630	133,440	133,640	143,700

**TABLE 2**  
**UNIFORM CRIME ARREST AND DISPOSITION REPORTS FOR YOUTH UNDER 18**  
**YEARS**

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Totals	12,040	10,605	9,745	9,516
Dispositions				
Handled & Released	5,066	4,243	3,541	3,386
Ref. J.C./Prob.	6,462	5,812	5,613	5,572
Ref. Wel. Agency	144	163	176	178
Ref. Other Police	181	138	132	122
Ref. Adult Court	187	249	283	258

Table 2 Continued.

Year	<u>1984</u>	<u>1986</u>	<u>1986</u>	<u>1987</u>
Totals	9,431	9,990	9,777	9,641
Dispositions				
Handled & Released	3,585	3,756	3,545	3,361
Ref. J.C./Prob.	5,375	5,665	5,822	5,925
Ref. Wel. Agency	109	198	103	74
Ref. Other Police	131	142	93	76
Ref. Adult Court	231	229	214	205

**TABLE 3**  
**JUVENILE ADMISSIONS TO COUNTY JAILS**  
(Jail Removal Report, 1987)

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Total FY Admiss.	2,318	2,018	1,979	1,930

Table 3 Continued.

Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
	1,798	1,914	1,976	2,118

**TABLE 4**  
**DISTRICT COURT CASELOAD FOR JUVENILES/ADMIN. OFFICES OF COURT**

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Filings	3,961	3,864	3,405	3,240
Dispositions	3,939	3,795	3,148	3,325

Table 4 Continued

Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Filings	3,065	3,896	3,840	4,224
Dispositions	2,920	3,276	3,392	3,379

**TABLE 5**  
**ADMISSIONS TO MAINE YOUTH CENTER**  
(Data from Jail Removal Report, 1987 and CRS, Inc Report)

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
CRS Total Admissions	---	422	705	748
First Admissions	---	254	230	257
Table 5 Continued.				
Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
CRS Total Admissions	882	844	854	844
First Admissions	273	241	232	221
Status at Admiss.				
Committed	---	---	451	434
Hold for Court	---	---	291	274
Hold for Prob.	---	---	112	136

**TABLE 6**  
**STATE OF MAINE JUVENILE DISPOSITONS 1980-1987**  
(Sources: Ed. Toohar and DOC)

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<b>Preliminary Invest.</b>	6,961	5,817	5,422	5,244
No Further Action	1,044	640	596	682
Informal Adjust.	2,436	2,152	2,223	2,150
Petition Request	3,481	3,025	2,603	2,412
Over-ruled by D.A.	na	37	16	14
<b>Detention Requests</b>	na	696	568	522
Uncond. Release	na	247	213	190
Cond. Release	na	97	114	91
Det. Order/I.W.	na	347	262	243
Released Prior D.H.	na	141	116	91
Det. Cont. by Ct.	na	177	114	119
Det. Term. by Ct.	na	39	32	31
<b>Interim Care Refer.</b>	na	253	82	?

Table 6 Continued.

Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
<b>Preliminary Invest.</b>	5,133	5,474	5,334	5,337
No Further Action	803	843	810	785
Informal Adjust.	1,870	1,719	1,793	1,725
Pet. Requested	2,460	2,912	2,731	2,827
Over-ruled/D.A.	16	?	?	120
<b>Det. Requests</b>	589	595	na	na
Uncond. Release	186	177	na	na
Conditional Rel.	126	146	na	na
Det. Order/I.W.	301	251	na	na
Rel. Prior D.H.	104	68	na	na
Detent. Cont. by Ct.	169	150	na	na
Det. Term. by Ct.	38	45	na	na
<b>Interim Care Ref.</b>	na	na	na	na

na: Information no longer collected by P&P as of 1-1-86.

**TABLE 7**  
**ACTIVE MONTHLY CASELOAD FOR PROBATION AND PAROLE**

Year	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
<b>Total</b>	1,612	1,509	1,507	1,465
Inform. Adjust.	860	808	852	823
Probation	752	701	655	642
Aftercare	na	na	na	na
<b>Revocations</b>				
Informal Adjust.	na	222	262	281
Probation				
Aftercare				

Table 7 Continued.

Year	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
<b>Total</b>	1,325	1,623	1,660	1,594
Informal Adjust.	598	630	644	616
Probation	569	768	806	769
Aftercare	158	225	210	209
 <b>Revocations</b>				
Informal Adjust.	195	208	214	197
Probation	220	244	224	217
Aftercare	94	137	130	116

## Appendix C

### SPECTRUM OF SANCTIONS AND SERVICES

#### Budget Summary

	Cost of System	Current Commitment	New Funds Needed
Full Spectrum of Services	\$24,754,700	\$8,462,550	\$16,292,150
Field Staff (Caseworkers & Support Staff)	\$5,000,000	\$1,900,000	\$3,100,000
Infrastructure (Central Office)	\$455,580	0 *	\$455,580
	\$30,210,280	\$10,362,550	\$19,847,730

For further specifics, see following pages.

#### Notes:

1. Construction not included
2. \*These functions are currently performed by Central Office staff who split their time between adults and juveniles on an unscheduled basis.



PROPOSED  
JUVENILE CORRECTIONS  
SPECTRUM OF SERVICES

SERVICE SPECTRUM	CAPACITY OF SYSTEM		COST OF SERVICES			
	TOTAL CAPACITY NEEDED	CAPACITY CURRENTLY AVAILABLE	UNIT COST	COST OF SERVICE SYSTEM	CURRENT DOC FUNDS AVAILABLE	NEW FUNDS NEEDED BY DOC
Community Employment/ Restitution Programs	1 prog/ district	1 prog (Cum- berland Co)	\$100,000	\$600,000	\$23,000	\$577,000
Home Based Family Services	500 fams	44 fams	\$4,500	\$2,225,000	\$200,000	\$2,025,000
Evaluation & Assessment	500 evals	50 evals	\$400	\$200,000	\$20,000	\$180,000
Mental Health Services						
Sex Offenders	80 indiv	16 indiv	\$4,000	\$320,000	\$65,000	\$255,000
Sexually Abused	400 indiv	0 indiv	\$2,600	\$1,000,000	0	\$1,000,000
Substance Abusers	800 indiv	58 indiv	\$1,500	\$1,200,000	\$87,000	\$1,113,000
Other	400 indiv	7 indiv	\$2,600	\$1,000,000	\$17,500	\$982,500
Emergency support (food, clothing, &c.)	300 indiv	60 indiv	\$250	\$75,000	\$15,000	\$60,000
Tracker Services (Pre- & Post- Disposition)	8,000 days 226 indiv (pre-disp) 13,000 days 200 indiv (post-disp)	0 days *	\$42	\$880,000	0 *	\$880,000
Regional Wraparound Funding	6 progs (1/district)	0 progs	\$50,000	\$300,000	0	\$300,000
Wilderness Survival Progs	100 indiv	60 indiv	\$2,000	\$200,000	\$114,000	\$86,000
Transportation to Services	1000 indiv @ 50 trips @ 40 miles	0 trips	\$0.22/mi	\$440,000	0	\$440,000
Respite Care	unknown	unknown	unknown	unknown	unknown	unknown
Emergency Sheltering Capability	20 beds	7 beds	\$18,250	\$365,000	\$184,800	\$180,200
Therapeutic Foster Care	35 beds	0 beds	\$32,850	\$1,149,750	\$4,000	\$1,145,750
Professional Foster Homes	12 beds	0 beds	\$42,000	\$504,000	0	\$504,000
Group Homes for: Conventional & Teaching Family Model	36 beds	36 beds	\$22,000	\$792,000	\$732,250	\$59,750
Mentally Retarded	4 beds	0 beds	\$30,000	\$120,000	0	\$120,000
Sex Offenders	20 beds	0 beds	\$31,000	\$620,000	0	\$620,000
Mentally Ill	3 beds	0 beds	\$33,000	\$99,000	0	\$99,000
Very Young Offenders	8 beds	0 beds	\$26,000	\$208,000	0	\$208,000
Residential Treatment Ctrs						
Conventional	22 beds	0 beds	\$45,000	\$990,000	0	\$990,000
Aggressive Treatment Resister	12 beds	0 beds	\$50,000	\$600,000	0	\$600,000
Attendant Care	7,600 hrs	0 hrs *	\$25/hr	\$190,000	0 *	\$190,000
Regional Multipurpose Ctrs						
Detention	30 beds	0 beds	\$40,150	\$1,204,500	0	\$1,204,500
Entry Diagnosis & Plan	23 beds	0 beds	\$40,150	\$923,450	0	\$923,450
Training School (Maine Youth Center)	145 beds	170 beds	\$41,200	\$7,000,000	\$7,000,000	0
Post MYC Transition Ctrs (Halfway Houses)	30 beds	0 beds	\$18,300	\$549,000	0	\$549,000
Semi-independent Apartments	27 beds	0 beds	unknown	unknown	unknown	unknown
Central Placement Review & Development Program	10-15 placements	0 placements	varies	\$1,000,000	0	\$1,000,000
Annual Operating Total (less bonded construction principle and debt service)				\$24,754,700	\$8,462,550	\$16,292,150

NOTES

1. Unit costs are annual unless otherwise noted.
2. "District" refers to the 6 Probation & Parole management districts (borders run along county lines).
3. \* indicates service is being provided on a pilot basis with Juvenile Justice Advisory Group funds.
4. Descriptions and explanations of individual programs are on the following pages.
5. Estimates are based on 1988 costs: future inflation has not been calculated.





## DESCRIPTION OF SERVICES

### Notes on Comparative Cost

In general, the less restrictive a service, the less expensive it is. For instance, if an offender is conditionally released with support by a tracker, pending a hearing, for 30 days, instead of being securely detained, the savings would be approximately \$2,000. If a Home Based Family Service team helps a family avoid a seven month placement at the Maine Youth Center, the savings would be approximately \$19,500.

An effective system of community-based nonresidential services is expected to reduce the demand on residential services. No research is available, however, that allowed the Commission to predict the level of that reduction. For the purposes of this report, it was assumed that the documented demand for new residential placements would be reduced by 50%. Some experts regard that estimate as overly optimistic. The resulting figures, therefore, should be regarded as conservative. The true need may be higher.

Community Employment/Restitution - Programs that make offenders accountable for their crimes by requiring and enabling them to repay the victim in cash or services or to repay society through community service. Can also be used to inculcate needed skills.

Home Based Family Services (Also called "Family Builders"; previously known as "HomeBuilders") - Short term, intensive work with the whole family in the home, usually by a two person team. The team provides mental health counseling, practical skills development, and mobilization of supportive community resources. The purpose of this intervention is to strengthen the family's ability to meet its own needs and avoid breakup or dependency on the state. Some families may require extended, lower intensity follow-up.

Evaluation and Assessment (also called "D&E" for "Diagnosis and Evaluation") - Outpatient determination of a juvenile's psychological, medical, vocational, and other service needs, and development of a comprehensive and integrated treatment plan.

Mental Health Services - Individual or group therapy as found to be appropriate as a result of Evaluation and Assessment.

Emergency Support - Funds for food, clothing, or shelter, or for emergency medical or dental treatment.

Tracker Services (Also called "Supervised Conditional Release" [predispositional] or "Intensive Supervision" [postdispositional]) - A tracker initiates daily personal contact with the offender and may communicate with him or her several times a day as needed. The tracker will monitor curfew, ensure school and job attendance, and proactively help with the resolution of problems in the home, school, and community. This program may supplement another program or placement and increase its chances of success.

Regional Wraparound Funds - Flexible funding to allow Juvenile Caseworkers to structure atypical programs for offenders with needs to access resources outside the usual system.

Wilderness Survival Programs - Outward Bound and similar programs. Usually a month long outdoor program to promote personal resourcefulness, group participation skills, and reassessment of personal values and goals.

Transportation to Programs and Services - Funds to purchase transportation to enable offenders to participate in therapy, restitution, or other programs. This is a critical need in rural areas.

Respite Care - Strengthens families and improves quality of parenting by providing time off for parents in particularly high stress family situations. Although the need is widely recognized, the volume of need is not yet documented. It is under study by the Department of Mental Health and Mental Retardation. The Commission suggests that the Department of Corrections participate in the research into and response to this need.

Emergency Sheltering Capability/Emergency Foster Homes - Conventional emergency shelters appear adequate to meet the need for interim out-of-home placement for corrections clients in populous regions of the state. In rural areas, however, potential users are too widely dispersed to support congregate facilities. Emergency foster homes provide a more flexible way to provide the service.

Therapeutic Foster Homes - Long term out-of-home care by specially trained and compensated foster parents.

Professional Foster Homes - Long term out-of-home care in which one foster parent devotes full time to foster care duties.

Group Homes - Residential facilities providing a structured living arrangement. Residents attend the local school.

Homes must have special capabilities to deal with offenders who have exceptional needs.

Residential Treatment Centers (RTC) - Highly structured group living facility with specialized treatment and educational capabilities for clients who cannot attend school in the community.

Conventional RTC - For clients who are difficult to manage, but not violent.

Aggressive Treatment Resister RTC - For clients who are violent and who consciously sabotage their treatment.

Attendant Care - One on one, round the clock surveillance for very short periods. An alternative to secure detention during transitional stages in an offenders movement through the corrections system.

Regional Multipurpose Centers - Regional sites for the provision of secure detention and secure placements as well as other specialized services. Regionalizing the delivery of expensive services makes the system more efficient in getting the services to the offenders and maximizes the chance to maintain and build up the support networks they need in their own communities after release. Budget estimates are for secure beds, but facilities may include both secure and nonsecure programs.

Detention - Accused juveniles awaiting trial.

Entry Diagnosis & Plan - It is proposed that all adjudicated offenders committed to the Department of Corrections go to one of the regional centers for evaluation and development of a treatment plan.

Training School (Maine Youth Center - MYC) - Program for offenders requiring long term secure treatment. Current design load is 170 clients. Because it is used as a fall back from other system components that are overloaded or just not in existence, its current population is nearer 250. This overloading compromises the integrity of the treatment program. Initiation of the full spectrum of community-based programs and placements is expected to divert, not only the excess 80 inmates, but a significant proportion of the rest as well. Estimates of the number of beds actually needed for the long term secure program range from 165 down to 75.

Post MYC Transition Facilities - Aka "Halfway House" or "Halfway Out House". Similar in concept to a conventional group home. Residents go to school in the community, but live in a structured group setting while they acquire skills needed to function well in the community.

Semi-independent Apartments (Also called "Supervised Apartments")

Temporary placements to enable clients to learn independent living skills, either as a primary treatment strategy or as a follow-up to some more restrictive placement. Several programs are under way with startup money from the federal Department of Housing and Urban Development (HUD). Availability and cost to the Department of Corrections is not yet clear.

Central Placement Review and Development Program (CPR) - A cooperative program of the four youth-serving departments to use flexible funds to craft unconventional placements for offenders with extraordinary needs.

## JUVENILE CORRECTIONS PLANNING COMMISSION

### Juvenile Caseworkers

The system depicted in the diagram is not a final plan, but one that relies on a continuous review and update of the system to meet the needs of the juveniles in the system regardless of any changes experienced. Driving the system is the juvenile caseworker whose primary function within this proposed system is to assess the needs of each juvenile, develop a service plan, and monitor the provision of those services. This process will also entail the reporting of the operations of this system to an infrastructure that will readjust the list of services to meet current needs of the juvenile corrections system.

The development of this system will require additional juvenile caseworkers as well as support staff. The following lists the total number staff needed for this component of the proposed system:

TOTAL STAFF NEEDED	Total Needed	Available Currently	Additional Needed
Caseworkers - Regular	31	37	-6
Intake Caseworkers	28	0	28
Caseworkers - Predisposi- tional Reports	17	0	17
TOTAL caseworkers	76	37	39
Casework Supervisors	8	0	8
District Supervisors	5	2	3
Clerical Support	23	9	14
Director	1	1	0
Assistant Director	1	0	1
Administrative Secretary	1	0	1
TOTAL Support Staff	39	12	27
GRAND TOTAL	115	49	66

Determination of caseworker and support staff needed is based on the following:

- Caseload limit of 35 juveniles per worker
- Juvenile Intake Workers would devote 20% of time to community resource development
- 17 Juvenile Caseworkers needed for predispositional reports (based on 2250 cases at 15 hours per report)
- Casework supervisor to worker ratio of 1 to 8
- Clerical to direct and supervisory staff ratio of 1 to 4
- Juvenile services would be separated from adult services

APPROXIMATE TOTAL BUDGET	\$5,000,000
CURRENT AVAILABLE	1,900,000

Based on 38% of current Division of Probation and Parole budget which is the percentage of probation officers that are juvenile caseworkers.

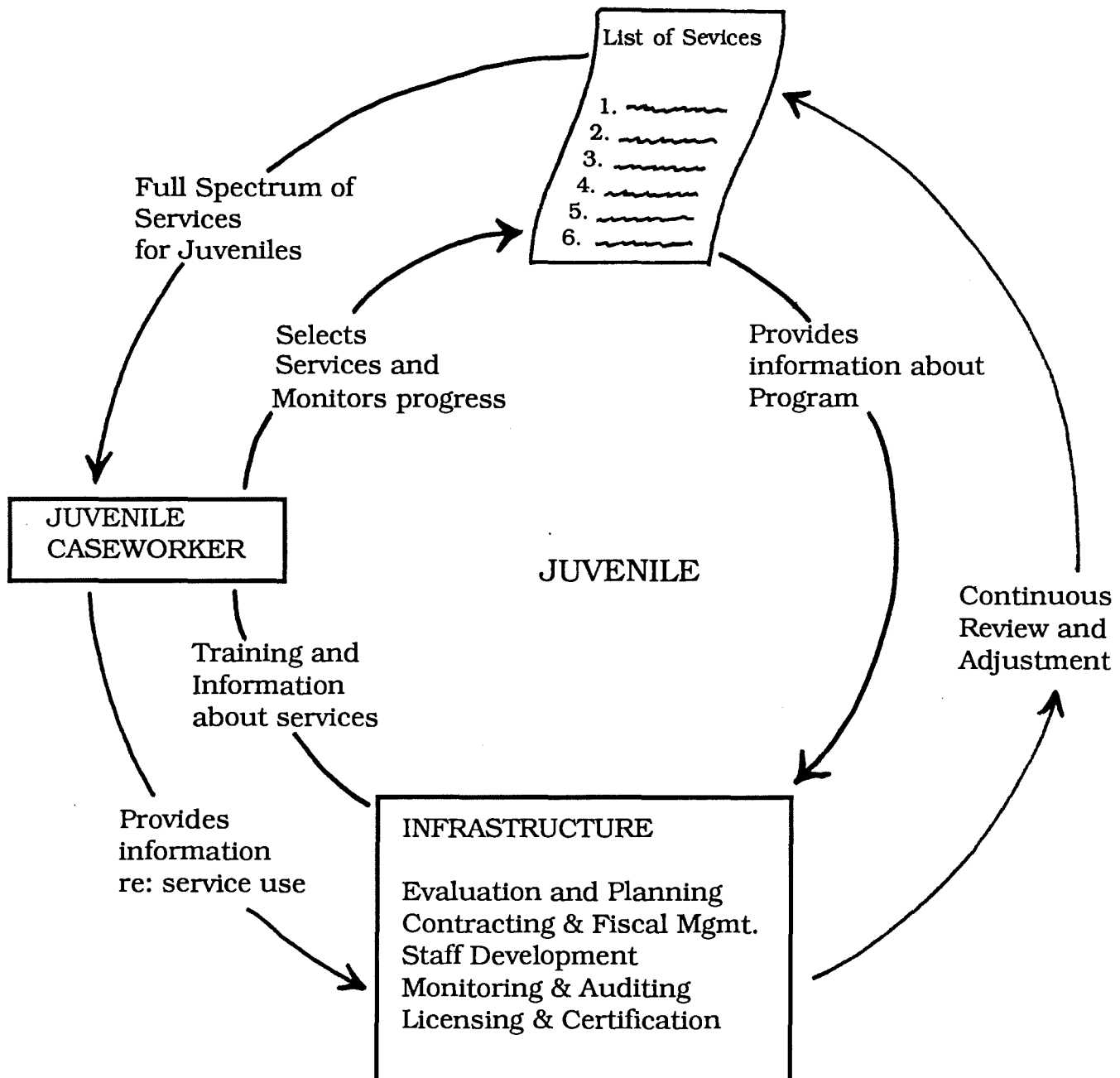
# INFRASTRUCTURE

## ADDITIONAL DOC SUPPORT STAFF NEEDED FOR JUVENILE CORRECTIONS BUREAU

#	Position	R	BU	Bi-Weekly Step C \$	Retirement	BC/BS 1318.08 Dental 161.52 Life Insurance <u>ANNUAL</u>
2	Contract Specialists					
	(1-Resource Dev. Mgr.)	29	D	\$1,208.80	\$ 228.35	\$ 1,587.16
	(1-Contract Proc. Off.)	22	B	901.60	170.32	1,560.72
1	Business Manager I	21	D	857.60	162.00	1,557.34
2	Account Clerk II's	12	A	1,241.60	234.54	3,074.12
1	Quality Assur. Person (Quality Assur. Dir.)	29	X	1,208.80	283.35	1,587.16
1	Auditor I	20	B	820.80	155.05	1,553.96
1	Director Juvenile Services for Institutional Services	34	X	1,484.00	347.85	1,611.42
1	Evaluation Specialist (Management Analyst II)	24	B	989.60	186.94	1,567.48
1	Correctional Plan. Anal.	24	X	996.00	233.47	1,567.48
5	Secretaries					
	(1 Admin. Secretary)	16	A	704.80	133.13	1,543.82
	(4 Secretaries)	13	A	2,556.80	483.00	6,148.24
1	Staff Develop. Spec. III	20	B	820.80	155.05	1,553.96
				(13,791.20)	(2,773.05)	
				<u>x26</u>	<u>x26</u>	<u>24,912.86</u>
				358,571.20	72,099.30	
					Total	\$455,583.36

1. "R" refers to pay range
2. "BU" refers to bargaining unit
3. Anticipate substantial increases in these figures between now and full implementation due to salary increases, health insurance increases, plus resulting higher retirement and life insurance costs.

# JUVENILE CORRECTIONS SERVICES SYSTEMS







M A I N E

J U V E N I L E

A D M I S S I O N S    a n d

D E T E N T I O N S

F Y    1 9 8 8

Preliminary Report December 1988

Maine Juvenile Justice Advisory Group  
Jail Monitoring Committee  
128 State Street  
Augusta, ME 04330

T. T. Trott, Jr., Staff

Note: This preliminary report does not contain the usual detailed data on adult-serving jail admissions and detentions of juveniles which will be assembled and provided at a later date. This report contains some summary data on juvenile jail admissions and detailed data on admissions and detentions at the Maine Youth Center.

L I M I T E D    R E L E A S E    F O R    U S E    O F    T H E  
J U V E N I L E    J U S T I C E    A D V I S O R Y    G R O U P  
and the  
J U V E N I L E    C O R R E C T I O N S    P L A N N I N G    C O M M I S S I O N

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JUVENILE ADMISSIONS AND DETENTIONS AT MAINE'S ADULT-SERVING  
JAILS AND AT THE MAINE YOUTH CENTER, JULY 1, 1987 - JUNE 30,  
1988.

FOREWORD: Because data from the Maine Youth Center were more readily available in complete form, the first part of this year's (FY1988) Juvenile Admissions and Detentions Report will be primarily based on the MYC, except for certain summary data available from the monthly reports filed with the DOC by each county jail. Further, the legislative Juvenile Corrections Planning Commission has already made a policy decision to recommend "jail removal", i.e., the prohibition against using the adult-serving county jails to house juvenile offenders; and is currently concerned with options for adjudicated juveniles; JCPC, therefore, needed the MYC information as early as possible (hence, this preliminary release).

SUMMARY: JAILS- JJAG/MSA initiated statutory changes in Maine's Juvenile Code, prohibiting admission to secure detention at the jails without the prior approval of a Juvenile Caseworker. This change took effect in the fall of 1987 and is reflected in the level of total juvenile jail admissions.

During fiscal year 1988 (the twelve month period beginning on July 1, 1987 and ending on June 30, 1988) there were 1684 juvenile admissions to Maine's county jails, down by 21% from the 2118 comparable admissions during FY 1987. Male juveniles represented 86.9% of the total and the highest number of such admissions, 11.5%, occurred in October.

Based on the midnight population count as reported to the DOC, the average daily juvenile population at the jails was 18.9 of which 6.8 or 36% represented juveniles adjudicated to serve county jail time. The ADP data usually provided in this report are based on actual length of stay (LOS) on an individual, case by case, basis from county jail records. Those data will be reported later when they have been entered, edited, and analyzed.

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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The LOS based ADP for last year was 11.8 at the jails, while the midnight population calculation resulted in an ADP of 15.8 juveniles in the jails. (If all factors were mathematically equal in the two years, then the anticipated LOS based ADP for FY 1988 would be approximately 14.1; as noted, later data will present the ADP as calculated from the individual lengths of stay.)

MYC: There were a total of 877 recorded admissions to the Maine Youth Center during the period beginning July 1, 1987 and ending June 30, 1988. Of the 877 admissions, 521 or 59% represented different individuals and 155 or 18% were females. Holds for Court Or Evaluation, accounted for 317 or 36%; Holds For Probation Or Intake totalled 105 or 12%; new commitments were 227 or 26%; returns and recommitments amounted to 229 or 26% of the total. In PART I of this report, detailed data on the MYC admissions and detentions will show comparisons of the current FY 1988 with similar data for FY 1986 and FY 1987.

Total admissions at MYC in FY 1988 were up somewhat from the two prior years. Most of the difference can be accounted for by the higher level of Holds for Court, which in turn was likely engendered by the earlier noted statutory change and by a reduction in available juvenile capacity at the local jail level (See Table 4). There was no significant change in the distribution of admissions by sex or by race; the number of different individuals appeared to be significantly lower in FY 1988 at 521 or 59.4% of total admissions. The FY 1986 level was 65.6% (560) while FY 1987 was 69.2% (584).

SPACE REQUIREMENTS FOR JUVENILES: As in last year's report we have attempted to estimate the amount of space required to hold juveniles on both a regional and statewide basis. This figure excludes commitments to the Maine Youth Center (some of which might be diverted to regional

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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juvenile service centers); it includes the Holds for Court and the Holds for Probation/Intake at MYC, as well as all pre-adjudicated and adjudicated juveniles at the adult serving county jails.

Because of the inability to utilize the LOS based Average Daily Population (ADP) at this time, the year to year comparisons are not strictly "valid". They are, however, useful as indicators of need.

As shown in Table 3, the estimated ADP for the state is 42.3 in FY 1988 compared with 37.2 in FY 1986 and 34.2 in FY 1987. The MYC component is relatively constant at 23.4 in FY 1988, 22.49 in FY 1987, and 24.9 in FY 1986.

Remembering that these data (with the exception of a very few out-of-state runaways at MYC) represent only juvenile offenders, the Northeast region appears to need from six to eight beds based on the three years tabulated. The Central area of the state requires about 9-13 beds, while the Southern area needs from 15-22 beds. If any other populations (e.g. CHINS, MYC committed) is considered for housing at regional facilities, these capacity estimates would need to be revised upwards, although they could be viable, if it is also assumed that each county without a regional facility would have a local capacity of two to four beds in a 72-hour temporary holding resource. Restrictions on the use of certain county facilities during the period (e.g. Cumberland) have affected the levels at individual counties, so that any detailed county comparisons are not necessarily meaningful.

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 1- ADMISSION OF JUVENILES TO THE MAINE COUNTY JAILS 1984 THROUGH 1988, FY					
COUNTY	1984	1985	1986	1987	1988
Aroost	203	104	114	89	88
Hancock	103	211	147	111	80
Knox	92	117	78	115	77
Penob.	82	136	207	186	151
Piscat.	48	79	51	47	37
Waldo	49	60	44	36	57
Washington	21	33	33	41	44
Andros.	305	280	201	201	264
Franklin	75	55	60	80	40
Kennebec	117	67	96	114	115
Lincoln	55	29	98	92	80
Oxford	44	75	125	132	105
Sagad.	0	0	0	0	0
Somerset	121	152	146	213	142
Cumber.	432	378	530	583	313
York	51	138	46	78	91
TOTALS	1798	1914	1976	2118	1684

Source: Jail Reports to the Dept. of Corrections. <Because of boarding, these figures may represent some duplication; however, the statistic used is comparable from year to year.>

T A B L E 2- JAIL ADMISSIONS BY MONTH AND SEX, FY1988				
MONTH	TOTAL ADMISSIONS		MALES	FEMALES
	NUMBER	PERCENT OF TOTAL		
JUL87	186	11.0	165	21
AUG87	177	10.5	140	37
SEP87	161	9.6	130	31
OCT87	195	11.5	171	24
NOV87	136	8.1	126	10
DEC87	118	7.0	104	14
JAN88	142	8.4	124	18
FEB88	131	7.8	117	14
MAR88	113	6.7	98	15
APR88	102	6.1	92	10
MAY88	114	6.8	103	11
JUN88	109	6.5	93	16
TOTAL	1684	100.0	1463	221
PERCENT	100.0		86.9	13.1

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 3- AVERAGE DAILY POPULATION OF DETAINED AND ADJUDICATED  
JUVENILES BY AREA, FY 1986, 1987, 88. (Preliminary 1988 jail data based  
on midnight population as reported to DOC rather than on actual individual  
lengths of stay. This table will be revised to incorporate that latter  
data as they become available.)

A R E A	Average FY 1986 Total	Daily FY 1987 Total	Population FY 1988 Total	Jail	MYC
Aroostook	2.02	1.77	1.84	1.29	0.55
Penobscot	1.12	1.39	1.33	0.25	1.08
Piscataquis	0.22	0.35	0.34	0.01	0.33
Washington	1.23	0.59	0.37	0.33	0.04
Hancock	0.89	0.72	0.91	0.36	0.55
Waldo	0.22	0.50	2.13	1.78	0.35
Knox	0.74	0.90	0.97	0.52	0.45
Subtotal-Northeast	6.44	6.22	8.23	4.54	3.69
Somerset	2.91	4.52	2.86	2.34	0.52
Franklin	0.82	0.93	0.51	0.12	0.39
Kennebec	3.17	2.69	4.12	0.91	3.21
Lincoln	0.48	1.23	0.79	0.49	0.30
Sagadahoc	0.11	0.78	1.28	0.00	1.28
Oxford	1.60	2.48	2.54	1.91	0.63
Subtotal Central	9.09	12.63	12.10	5.77	6.33
Androscoggin	7.64	4.61	4.29	1.11	3.18
Cumberland*	8.97	7.62	10.52	3.04	7.48
York	5.07	3.25	7.16	4.42	2.74
Subtotal Southern	19.34	15.48	21.97	8.57	13.40
Grand Totals	37.21	34.33	42.30	18.88	23.42

\*-Out of state juveniles are usually held at MYC and are included  
in the Cumberland County Total.

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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P A R T I- ADMISSIONS AND DETENTIONS AT THE MAINE YOUTH CENTER  
DURING FISCAL YEAR 1988, ENDING JUNE 30, 1988.

The next eight pages contain tables presenting various detailed data arising from the tabulation of individual admissions to the Maine Youth Center during the period beginning on July 1, 1987 and ending on June 30, 1988. The discussion on the content of these tables begins on page 14.

T A B L E 4- Selected MYC Admissions Data by County,  
FY 1986,87, and 88

A. New Commitments and Returns

County	New Commitments and Returns		FY1988		
	FY1986 Total	FY1987 Total	Tot.	Comm.	Ret's
And.	59	59	49	19	30
Cum.	86	76	91	49	42
Pen.	41	51	56	31	25
SMSA SubTot.	186	186	196	99	97
Aro.	25	26	31	21	10
Fra.	6	8	8	4	4
Han.	19	10	7	3	4
Ken.	37	46	51	25	26
Kno.	11	13	12	6	6
Lin.	9	7	11	5	6
Oxf.	16	18	12	7	5
Pis.	2	3	8	4	4
Sag.	12	11	15	7	8
Som.	28	35	25	13	12
Wal.	5	5	3	2	1
Was.	10	20	16	7	9
Yor.	75	41	47	24	23
NonSMSA SubTotal	256	243	247	128	119
Other State or County Unk.	9	5	13	0	13
Grand Totals	451	434	456	227	229



FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 4- Continued

B. Holds for Court, Probation, or Intake						
County	Holds for Court			Holds for Probation, Intake		
	FY1986	FY1987	FY1988	FY1986	FY1987	FY1988
And.	54	46	59	27	30	20
Cum.	40	48	83	34	66	31
Pen.	13	16	16	0	0	2
SMSA Subtot	107	110	156	61	96	53
Aro.	4	4	8	2	0	0
Fra.	5	7	3	2	0	0
Han.	2	2	5	0	1	0
Ken.	37	41	37	14	6	17
Kno.	5	5	7	0	0	2
Lin.	2	3	3	0	2	1
Oxf.	25	16	14	1	6	1
Pis.	4	3	6	0	2	2
Sag.	3	17	18	1	2	8
Som.	13	16	6	2	0	2
Wal.	4	5	4	0	1	0
Was.	14	10	2	1	1	0
Yor.	49	32	42	16	19	13
NonSMSA Subtotal	167	161	155	39	40	46
Other State or County Unk.	17	3	6	12	0	6
Grand Totals	291	274	317	112	136	105

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 4- Continued

C. Total Admissions					
County	FY1986 Total	FY1987 Total	FY1988 Total	Females	Indiv.
And.	142	135	126	34	70
Cum.	160	190	205	25	110
Pen.	55	67	73	17	49
SMSA Subtot	357	392	404	76	229
Aro.	32	30	39	3	33
Fra.	13	15	11	2	5
Han.	21	13	12	1	8
Ken.	90	93	105	28	53
Kno.	16	18	21	3	12
Lin.	11	12	15	3	12
Oxf.	42	40	27	6	19
Pis.	6	8	16	0	8
Sag.	16	30	41	7	20
Som.	43	51	33	4	25
Wal.	9	11	7	0	4
Was.	25	31	18	0	13
Yor.	141	92	102	13	58
NonSMSA Subtotal	465	444	448	71	270
Other State or County Unk.	0	8	25	8	22
Grand Totals	854	844	877	155	521

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 5- MYC ADMISSIONS - SEX, RACE, STATUS AT ADMISSION, INDIVIDUALS,  
FY 1986, 87, 88

ITEM	FY1986		FY1987		FY1988	
	Nmbr	%	Nmbr	%	Nmbr	%
Males	718	84.1	702	83.2	722	82.3
Females	136	15.9	142	16.8	155	17.7
Cauc.	762	89.2	795	94.2	820	93.6
Nat.Amer.	72	8.4	35	4.1	38	4.3
Black	5	0.6	10	1.2	14	1.6
Hispanic	7	0.8	4	0.5	4	0.5
Asian	6	0.7	0	0.0	1	0.0
In the 1980 Population Census, Native Americans were 0.36% of the state's total; Blacks were 0.28%; Asiatic/Pacific were 0.26%; and no distribution was shown those of Hispanic origin.						
Individuals	560	65.6	584	69.2	521	59.4
Committed & Returns	451	52.8	434	51.4	456	52.0
Hold for Court	291	34.1	274	32.5	317	36.0
Hold for Prob. & Intake	112	13.1	136	16.1	105	12.0

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 6- MYC ADMISSIONS DURING FY 1988, HOLDS FOR COURT, PROBATION  
OR INTAKE, NEW COMMITMENTS- BY OFFENSE CHARGED.

Offense	Hold for Court		Hold for Prob.		New Commitments	
	Nmbr	%	Nmbr.	%	Nmbr.	%
Violation of Prob., Cond. Rel. etc	43	13.6	18	17.2	57	25.2
Burglary	55	17.5	10	9.6	46	20.3
Theft	42	13.2	7	6.8	40	17.6
Assault, Threatening, etc.	23	7.3	2	1.9	15	6.6
Crim. Misch., Trespass, Dis. Conduct	13	4.1	5	4.9	18	7.9
Escape, AWOL	2	0.6	0	0.0	0	0.0
Sex Offenses, excl. Rape	13	4.1	5	4.9	22	9.7
Misc. Other Offenses	9	2.8	2	1.9	6	2.6
Status/Non-offenses	4	1.3	6	5.9	0	0.0
Offenses Not Recorded	81	25.7	43	41.2	7	3.1
SERIOUS OFFENSES (Murder, Manslaughter, Arson, Armed Robbery, Aggravated Assault, Rape, etc.)	31	9.8	6	5.7	16	7.0
TOTALS	317	100.0	105	100.0	227	100.0

FISCAL YEAR 1988, JUVENILE ADMISSIONS AND DETENTIONS AT  
ADULT-SERVING JAILS AND AT MYC

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T A B L E 7- AVERAGE LENGTHS OF STAY IN DAYS AT MYC, HOLDS FOR COURT,  
AND HOLDS FOR PROBATION/INTAKE, DURING FISCAL YEARS 1986,87,AND 88

County	FY1986		FY1987		FY1988	
	HFC	HFP	HFC	HFP	HFC	HFP
And.	28.0	2.6	22.3	7.8	19.2	3.8
Cum.	27.1	3.3	26.6	8.0	28.2	10.0
Pen.	23.2	-0-	28.8	-0-	24.4	1.6
Aro.	58.0	28.5	27.8	-0-	24.9	-0-
Fra.	17.2	25.0	23.0	-0-	48.0	-0-
Han.	27.0	-0-	6.0	0.0	39.8	-0-
Ken.	27.5	6.5	22.8	1.8	24.9	14.6
Kno.	20.0	-0-	10.6	-0-	18.9	17.0
Lin.	17.0	-0-	33.3	102.0	35.3	2.0
Oxf.	18.4	1.0	34.1	10.7	15.6	10.0
Pis.	20.2	-0-	31.3	2.0	19.5	2.5
Sag.	13.7	-0-	13.5	6.5	21.9	9.0
Som.	34.3	21.5	43.9	-0-	27.7	12.5
Wal.	10.0	-0-	24.0	25.0	31.5	-0-
Was.	31.8	4.0	18.4	22.0	7.5	-0-
Yor	35.7	8.5	29.4	5.3	19.8	12.9
Other State & Cty. Unk.	50.8	2.1	2.1	-0-	10.7	3.0
Statewide	29.2	5.3	25.6	8.9	23.5	9.1

NOTE: -0- = no reported incidence; 0.0 = less than 0.05 days.

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T A B L E 8- AGE AT ADMISSION TO MYC DURING FY 1988

A. Totals, Females, and Different Individuals

Age	Totals		Females		Individuals	
	Nmbr	% Tot.	Nmbr	% Tot.	Nmbr	% Tot.
11	2	0.3	0	0.0	2	0.4
12	32	3.6	13	8.4	10	1.9
13	47	5.4	11	7.1	25	4.8
14	126	14.4	29	18.7	71	13.6
15	200	22.8	36	23.2	114	21.9
16	202	23.0	35	22.6	124	23.8
17	215	24.5	23	14.8	139	26.7
18	36	4.1	6	3.9	25	4.8
18+	17	1.9	2	1.3	11	2.1
Totals	877	100.0	155	100.0	521	100.0

B. Status at Admission

Age	HFC	HFP	New Comm	Returns
11	1	1	0	0
12	20	6	6	0
13	18	11	12	6
14	59	22	21	24
15	76	18	65	41
16	71	25	56	51
17	63	21	53	78
18	8	1	13	14
18+	1	0	1	15
Totals	317	105	227	229
Indiv.	223	87	224	168
Females	60	42	23	30

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T A B L E 9- A COMPARISON OF HOLDS FOR COURT AND PROBATION/INTAKE BY OFFENSE CHARGED, FY1987 AND FY1988								
O F F E N S E	F Y 1 9 8 7				F Y 1 9 8 8			
	HFC	HFP	TOT	%	HFC	HFP	TOT	%
Prob. Viol., etc.	20	60	80	19.5	43	18	61	14.6
Burglary	52	12	64	15.6	55	10	65	15.5
Theft	27	13	40	9.8	42	7	49	11.6
Assault, etc.	18	6	24	5.9	23	2	25	5.9
Cr. Misch.,Tresp.,								
Dis. Cond.	12	3	15	3.7	13	5	18	4.3
Sex Offense,ex Rape	13	0	13	3.2	13	5	18	4.3
Misc Other Off.	19	0	19	4.6	11	2	13	3.1
Status/Non-Off.	2	1	3	0.7	4	6	10	2.4
Offenses Not								
Recorded	82	38	120	29.2	81	43	124	29.5
Serious Offenses	29	3	32	7.8	31	6	37	8.8
TOTALS	274	136	410	100.0	317	105	422	100.0

ADMISSIONS AND DETENTIONS AT THE MAINE YOUTH CENTER

As reported in the summary, there were a total of 877 admissions to MYC during FY 1988. Holds for Court showed the most significant increase over the two prior years, perhaps because of space limitations at the jails certified to hold juveniles. Holds for Court were 317 in FY 1988 compared with 274 in FY 1987 and 291 in FY 1986, an increase of 16% from FY1987 to FY 1988.

In Table 4 there are several distributions of the admissions data by the county of origin. There were no significant differences from year to year by county except

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for Cumberland County (possibly because of the litigation and consent order) where the Holds for Court in FY 1988 were nearly double those of the two preceding years.

The distributions in Table 5 were relatively constant from year to year. The major variation was in the number of different individuals. In FY 1988, about 40% of the total admissions reflected one or more admissions of the same person; in FY 1987 only 30% were multiple admissions, and in FY 1986 34% were multiples. The relative distributions from year to year by sex, status at admission, or by race were fairly consistent.

Tables 6 and 9 present offense related data. FY 1988 was the first year in which new commitments were tabulated separately from the re-entries of committed juveniles and on which we recorded and tabulated the offenses (for the new commitments only). Probation Violations (usually by the commission of a new offense), Burglary, and Theft accounted for over 44% of the Holds for Court; over 34% of the Holds for Probation or Intake; and over 63% of the new commitments. Serious crimes (murder, manslaughter, rape, aggravated assault, robbery, and arson) were just under 10% of the Holds for Court, about 6% of the Holds for Probation/Intake, and 7% of the new commitments. Table 9 shows the comparison between FY 1987 and FY 1988, by offense, between the Holds for Court and the Holds for Probation/Intake

In Table 7, the Average Lengths of Stay by Category and by County are reported for the three years FY 1986, FY 1987, and FY 1988. Holds for Court were 29.2 days in FY 1986, 25.6 days in FY 1987, and 23.5 days in FY 1988. The Holds for Probation/Intake were 5.3 days in FY 1986, 8.9 days in FY 1987, and in FY 1988 they were 9.1 days. No significant variations by year or by county were noted.

Table 8 shows the age of juveniles at admission by selected categories. The age used is a machine calculation subtracting the date of birth from the admission date. The 15,16,& 17 year olds dominate the distribution, with over 70% of the total admissions and of individuals; they were over 60% of the admitted females.









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