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The Juvenile Justice Task Force

Co-Chaired by: Chief Justice Leigh Saufley of the Maine Supreme Court; Dean Peter Pitegoff of the University of Maine School of Law; and First Lady Karen Baldacci, Chair of the Governor's Children's Cabinet

Recommendations Document

) December 2009

“Maine cannot afford to lose one more of its young people to prison and jails, to homelessness, to hopelessness.”

--Chief Justice Leigh Saufley

About the Juvenile Justice Task Force

On April 17, 2009, the Judicial Branch, the Children’s Cabinet, and the University of Maine School of Law collaborated to establish the Juvenile Justice Task Force. The Task Force consisted of members from the Executive, Legislative, and Judicial Branches of the Maine State Government, as well as representatives of interested stakeholder organizations, individual attorneys, and others with valuable knowledge and experience to contribute. Chief Justice Leigh Saufley of the Maine Supreme Court, First Lady Karen Baldacci, and Dean Peter Pitegoff of the University of Maine School of Law—Chairpersons of the Task Force—charged the Task Force with bringing together all of the best and most credible research into effective programs for youth and their families; providing all stakeholders with the most current information on effective intervention with youth through a Summit and a thorough report; reviewing the current practices in Maine’s juvenile justice community; recommending changes in resource allocation, program use, intervention practices, and legal procedures; and tracking and modifying objective measurement tools to provide a blueprint for going forward with substantially improved practices.

At the second Task Force meeting, members divided into an Education Subcommittee, an Incarceration/Detention Subcommittee, and a Community-Based Services Subcommittee. The subcommittees discussed the Task Force’s goals and examined two models of system change that have been utilized by the Annie E. Casey and John D. and Catherine T. MacArthur Foundations. The Task Force then adopted a “Maine Model” that synthesized the principles of those two models with the principles and goals outlined in the Task Force’s Charter. The principles and goals engendered in the Maine Model were intended to be broad and flexible, but specific enough to guide the Task Force’s work. The subcommittees determined that the following principles would guide the Maine Model for Juvenile Justice System Change:

- The juvenile justice system recognizes that all youth are individuals and that it works to maximize their full potential while recognizing that there are fundamental developmental differences between adolescents and adults;
- The juvenile justice system is intent on reducing racial disparity and is “bias-free” in that it treats all youth, victims and families fairly;
- The juvenile justice system holds juvenile offenders accountable for their actions in developmentally appropriate ways;
- The juvenile justice system will reduce its reliance on incarceration by strengthening and empowering families, schools and communities to help youth succeed;
- Youth are kept out of the system by encouraging “community ownership” of delinquency problems; and
- The juvenile justice system works collaboratively with youth-serving systems (e.g. child welfare, mental health, substance abuse, education) to provide efficient, evidence based services that produce positive outcomes by helping youth to stay connected to their families, schools and communities.

With the above principles in mind, the Task Force subcommittees then developed three overarching Maine Model system goals:

1. To ensure that every youth in Maine completes high school and has access to post secondary educational opportunities or meaningful employment;
2. To reduce reliance on incarceration and pre-adjudication detention by twenty percent (20%) in the next three years by expanding concepts related to restorative justice, positive youth development, and rehabilitation; and
3. To build a community-based system of services and programs that emphasizes connecting youth to school, their families, and their communities.

Over the next five months, through careful collaboration, research, and review, the Juvenile Justice Task Force subcommittees developed the following ten primary goals for juvenile justice system reform, strategies for achieving each of those goals, and ongoing recommendations for juvenile justice system reform.

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Juvenile Justice Task Force Goals

1. By 2010, establish a statewide goal to achieve a 90% high school graduation rate by 2016.
2. By 2011, implement uniform statewide suspension, expulsion, zero tolerance, and truancy policies.
3. ^{By 2010} Ensure that all children and youth in Maine have access to quality early childhood education, and proven prevention and positive youth development strategies.
4. Work with the Department of Education in 2010 to formulate a plan that will create multiple pathways for educating children and youth.
5. Reduce reliance on incarceration and pre-adjudication detention by twenty percent (20%) in the next three years.
6. Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.
7. By September of 2010, in conjunction with the Children's Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment. Each of the eight districts will be headed by a District Council. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Dropout Prevention Summit.
8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible.
9. By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.

The above goals are reproduced below, organized according to which subcommittee developed them, along with the subcommittees' recommended strategies for achieving each goal.

A Collaborative Approach to Transforming Maine's Juvenile Justice System

I. Education

Leaving school is the single most significant predictor of negative youth outcomes. Youth who leave school are twice as likely to be unemployed, three times as likely to live in poverty, twice as likely to become the parent of a dropout, and more likely to end up in prison.¹ In Maine, 21 students in grades 9 through 12 drop out of school daily during the academic year.² These disengaged youth are at a higher risk of entering Maine's justice systems—54.1% of adult prisoners in Maine (for whom education data is available) had less than a high school education, 11.1% had less than a 9th grade education.³ Furthermore, across the country, every youth who drops out of school costs the nation \$292,000 over his or her working life.⁴ Maine's Governor John Baldacci recognized the importance of high school completion, stating in his America's Promise Alliance pledge to "convene leaders from my state to commit to working together until all the young people in Maine graduate from high school ready for college and work."⁵ Recognizing the tremendous impact a successful educational outcome has on all areas of an individual's life, the Education Subcommittee of Maine's Juvenile Justice Task Force drafted the following goal:

1. By 2010, establish a statewide goal of 90% high school graduation rate by 2016.

Strategies to achieve this goal include:

Strategy	Parties Responsible
1. Support legislation to establish in statute that a 90% high school graduation rate will be achieved by 2016. Legislation has been introduced for consideration during the 2010 legislative session.	State Board of Education; Department of Education; Legislators
2. Examine the efficacy of raising the mandatory age of school attendance from 17 to 18 years of age.	Task Force Stakeholders' Group
3. Establish an award for school administrative units which provide evidence of successful implementation of a Dropout Prevention Plan written by a Dropout Prevention Committee as provided for in Title 20A Chapter 211 Section 5102	Shared Vision Youth Council; Education Subcommittee in conjunction with the Truancy, Dropout and Alternative Education Advisory Committee to the Education Commissioner; School Administrative Units; Children's Cabinet
4. Support the Truancy, Dropout and Alternative Education Advisory Committee strategic planning goal to develop a training video (webinar, etc) and templates to aid SAU's in establishing Dropout Prevention Committees and carrying out supportive strategies.	Truancy, Dropout and Alternative Education Advisory Committee; Shared Youth Vision Council; Juvenile Justice Task Force; Education Subcommittee
5. Solicit a monetary award from businesses, foundations, America's Promise Alliance partners for the annual progress award.	Shared Youth Vision Council; Education subcommittee; Juvenile Justice Education Subcommittee

In Maine and across America, zero-tolerance policies, which stem from the Gun Free Schools Act in 1994,⁶ have expanded in scope despite evidence that refutes their effectiveness.⁷ These policies have the adverse effect of penalizing all prohibited actions equally without regard for the severity of the incident, the individual, or the circumstance.⁸ Unlike other states, which recommend suspension or expulsion in cases of deliberate disobedience or deliberate disorder, Maine's zero-tolerance policies recommend only expulsion in such cases.⁹ "Although arguably well intentioned, zero tolerance disciplinary policies along with suspensions and expulsions for poor attendance, truancy, or disciplinary infractions, often result in students being *pushed-out* of school or more subtly, not encouraged to

remain in school.”¹⁰ The links that can be drawn between zero-tolerance and truancy policies, lack of school completion, and justice system involvement led the Education Subcommittee to develop the following goal:

2. By 2011, implement uniform statewide suspension, expulsion, zero tolerance, and truancy policies.

Strategies to achieve this goal include:

Strategy	Parties Responsible
1. Establish a stakeholders group to study and make recommendations on items requiring rulemaking and/or statutory changes.	State Board of Education; Department of Education; Stakeholders; Legislators; Juvenile Justice Task Force; Interested parties; Juvenile Justice Advisory Group; Truancy, Dropout and Alternative Education Committee; Education groups; Parents; Department of Corrections.
2. Establish guidelines for suspension and expulsion-notification, hearing, time frames, plan for provision of educational and supportive services, pathways to reinstatement, and alternatives to suspension/expulsion.	
3. Examine zero tolerance policies	
4. Examine truancy laws to provide best practices to schools, families and youth.	
5. Provide legal representation for children facing wrongful suspension and/or expulsion.	Maine Commission on Indigent Legal Services

In his *2006 State of the State Address*, Governor John Baldacci iterated that “people who have quality early care and education have better opportunities for success.”¹¹ “High quality, inclusive early care and education improves every child’s readiness for school, families’ ability to work productively and the state’s economic development goals,”¹² yet still, every year from 2000-2008, approximately two-thirds of Head Start eligible children in Maine were not enrolled in a Head Start Program.¹³ In consideration of the known benefits of a quality system of early education and care, the Education Subcommittee recommends the following:

3. By 2010, ensure that all children and youth in Maine have access to quality early childhood education and proven prevention and positive youth development strategies.

Strategy	Parties Responsible
1. Support universal four-year-old programs (preK).	Department of Education; Children’s Cabinet
2. Support current plans toward establishing early childhood education prevention efforts.	
3. Support the establishment of small class sizes as developmentally appropriate for individual grades K, 1, and 2 to maintain a balanced ratio in favor of early grades.	Juvenile Justice Task Force; Department of Education; School Administrative Units
4. Examine current state statute Title 20A section 4502, 5, which maintains school wide averages of 25 to 1 for K-8, 30-1 for grades 9-12.	
5. Ensure that children have access to health screenings, vaccinations, and other preemptive healthcare options.	Department of Health and Human Services; Public Health Agencies; School Departments

Ensuring that every youth in Maine completes high school and has access to post secondary education or meaningful employment are major factors in preventing a youth from entering the juvenile justice system. Nontraditional methods of teaching and learning are recognized by the Education subcommittee as important components of a system that effectively engages a broad number of students and facilitates their educational success. In this vein, the Education subcommittee recommends the adoption of the following goal:

4. Work with the Department of Education in 2010 to formulate a plan that will create multiple pathways for educating children and youth.

Strategy	Parties Responsible
1. Support multiple pathways for children and youth which value and respect differentiated learning styles and educational needs.	Department of Education (ongoing efforts, LD 1325); Juvenile Justice Task Force members
2. Support individualized personal learning plans for all children and youth K-12	
3. Support increased online and other not building-bound school and community based educational opportunities for credit and work recognition for students	

(I. Incarceration/Detention

Although the number of juvenile arrests has been decreasing, the number of indeterminate commitments to Maine’s two juvenile youth development centers has increased by 33% over the past three years.¹⁴ On January 1, 2006, according to the Department of Corrections, 121 juveniles were committed to Maine’s youth development centers.¹⁵ By July 1, 2009, that number had increased to 161 juveniles.¹⁶ This increase in commitments occurred in the face of growing national research that shows that most juveniles can be served less expensively and more effectively in community-based settings.¹⁷ In fact, the research suggests that “the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.”¹⁸

The Juvenile Justice Task Force’s Incarceration and Detention subcommittee, composed of a district court judge, juvenile prosecutors and defense attorneys, professionals from the Department of Corrections, and a national research consultant, drafted the following principle to guide and structure their work: “In most cases involving detention and in some cases involving commitment, the safety of the community and the juvenile can be adequately protected through the use of highly structured, effective community-based initiatives including: family intervention and support programs, foster homes, short term residential and crisis placements, and mental health and substance abuse services.” The consensus that many of the juveniles that end up detained or committed to a secure state facility could be less expensively and more effectively treated in the community led to the subcommittee’s first goal:

5. Reduce reliance on incarceration and pre-adjudication detention by twenty percent (20%) in the next three years.

This goal can be worked towards within the Department of Corrections, but its success relies heavily on the availability of effective community-based services.

Department of Corrections Strategies	Parties Responsible
1. Develop a plan to reduce the number of girls committed to the Long Creek Youth Development Center by 50% by June 2011. This strategy is contingent upon the availability of adequate alternatives to detention along with the development of placement and treatment options serving as effective alternatives to commitment.	Department of Corrections
2. Enhance 24/7 crisis response teams or protocols that are equipped with program and placement options, research-based assessment tools, well-trained case managers, and access to other service professionals.	Department of Corrections
3. Provide all juveniles (not only those with an Axis I diagnosis) with case management services that systematically incorporate wraparound principles that ensure the attendance of representatives from state agencies, school district	Department of Corrections

representatives, the family, and family supports at wraparound services meetings.	
4. Provide all youth leaving secure facilities, after any length of stay, with comprehensive aftercare and reintegration programs that are aligned with facility-resources and involve the family, community, school, justice system, and local supports to ensure a smooth transition from the highly structured facility environment back into society. In this process, begin appropriate family services (MST, FFT) before the juvenile returns from any period of out-of-home placement.	Department of Corrections
5. Examine the efficacy of programs which involve the judiciary in the process of assuring that a juvenile receives the necessary services.	Court System; Department of Corrections; Juvenile Justice Advisory Group
6. Develop a process to identify those juveniles who are not competent to stand trial and create a clear and accessible system to manage juveniles found not to be competent, recognizing the needs of the juvenile and the risks to the community.	Department of Health and Human Services;
7. Youth in the process of competency determination should be placed in an alternative setting, separate from general Youth Center detainees.	Department of Corrections
8. Integrate secure facilities with community-based programs through information-sharing protocols and other means of collaboration.	Department of Corrections
9. Encourage local governments and municipalities to promote local communication and collaboration with stakeholders in the Juvenile Justice System through the establishment of planning, advocacy, and oversight groups that include professionals, juvenile justice system-involved youth, and concerned citizens.	Department of Corrections; Legislature
10. Continue assessment of disproportionate minority contact in the juvenile justice system.	Juvenile Justice Advisory Group

The Incarceration/Detention Subcommittee also recognized that to achieve the goal of reducing detention and commitment, it will be necessary to expand several existing programs and establish new evidence-based practices. Placing juveniles in the least restrictive settings that balance the interests of public safety and the best interests of the juvenile is an essential building block that will spur the growth of new programs. Thus, the Incarceration/Detention subcommittee outlined strategies toward building the sort of community-based system that is essential to reducing reliance on secure facilities.

Integrated and Community-Based Strategies	Parties Responsible
11. Capitalize on existing community strengths by expanding effective community-based services, and other programs that rely on natural relationships with adults in the community. Highlight programs that include mentoring, Restorative Justice, and natural pro-social relationships.	Juvenile Justice Advisory Group; Restorative Justice Project; Community-Based Agencies
12. Utilize positive youth development principles in the creation of all residential options, including those which do not require proof of medical necessity, and community-based services and programs.	Children's Cabinet; Community-Based Agencies
13. Enhance ability of natural supports, local community resources, and supported kinship care as alternatives to detention/commitment.	Department of Corrections; Community-Based Agencies
14. Improve the retention and completion rates of youth in schools, treatment programs, and residential placements. All programs shall demonstrably employ effective behavioral management practices that rely on the principles of Collaborative Problem Solving or other proven developmentally appropriate cognitive skill-teaching methodologies.	Department of Corrections; Community-Based Agencies
15. Expand foster care options for youth involved in the juvenile justice system. A joint program with DHHS that makes selected foster care homes available on a voluntary and short-term basis for adolescents in juvenile justice system needs to be	Department of Health and Human Services;

created. Increase number of Multi-Dimensional Treatment foster care placements.	Department of Corrections
16. Secure rapid alternative subsequent placement for youth who are removed from a prior DHHS placement.	
17. Support local services for nonviolent juvenile offenders, through the use of Innovative Community Grant Awards or other sustainability-minded incentives including the recruitment of community volunteers to serve as “family resources centers” (c.f. CEOJJC) to provide youth with safe and skilled supervision on an as-needed basis.	Department of Corrections; Private Foundations
18. Ensure that placement decisions are made according to identified risks and needs of the juvenile justice client and that placements reflect a collaborative effort between parties in the juvenile justice system and state agencies and service providers.	DOC; DHHS; Court System; Community-Based Agencies
19. Examine DHHS occupancy data, including Medicare-funded and non-Medicare-funded beds, to determine whether there is a shortage of beds and whether the availability of residential beds meets the needs of youth awaiting placement.	
20. Revise Children’s Behavioral Health Services/Department of Health and Human Services/Department of Corrections guidelines for behaviorally required residential placements in order to increase the number (capacity) of temporary residential and crisis placement options that do not require the Intensive Temporary Residential Treatment process, reviewing and removing, where necessary, the current medical diagnostic prerequisites.	Department of Corrections; Department of Health and Human Services
21. Improve the consistency, timeliness, and accuracy of front-end functional behavioral assessments, including asset and needs assessments that can be used for decision making and case management.	
22. Require comprehensive research-based assessments for juveniles with serious mental health needs, including substance abuse and trauma, and/or developmental disabilities.	

Not only does detention and incarceration negatively affect juveniles’ mental and physical well-beings, future earning abilities, educational opportunities, and rates of recidivism, but it also costs states more than community-based alternatives to detention that can better curb crime and recidivism. States across America spend an estimated \$5.7 billion each year imprisoning approximately 93,000 juveniles.¹⁹ Maine spends over \$65,500 per day on the incarceration of juveniles.²⁰ These costs are incurred despite the fact that community-based alternatives to detention can be both more cost-effective and more successful in protecting public safety—“[t]he most effective programs at reducing recidivism rates and promoting positive life outcomes for youth are administered in the community, outside of the criminal or juvenile justice systems” and “community-based programs for youth are more cost-effective than incarceration”—at times reaping \$13 in benefits to public safety for every dollar spent.²¹

To ensure that a community-based detention alternative will save money, improve youth outcomes, and maintain public safety, it is necessary that all programs and placements used for high and medium risk juvenile justice clients be rigorously evaluated using evidence-based methods and periodically monitored and improved. In addition to community-based alternatives, court proceedings also must be held to a higher standard in terms of efficiency and high quality measurements. The following goal was developed by the Incarceration/Detention Subcommittee to fulfill this need.

6. Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.

Strategies	Parties Responsible
1. Create incentives for programs that demonstrate positive outcomes and provide mechanisms for providers to adopt new research-guided programs, treatment and practices over time.	Juvenile Justice Advisory Group; Department of Corrections
2. Evaluate all programs used for juvenile offenders, including residential programs, using research-guided client outcome tools. (Community-based performance, performance-based standards, or other best-practice continuous improvement	

evaluation strategies, such as the Correctional Program Assessment Inventory, should be implemented).	
3. Support current efforts by Department of Health and Human Services, Department of Corrections, and the Juvenile Justice Advisory Group to rigorously evaluate the effectiveness of programs and placements.	DHHS; DOC; Juvenile Justice Advisory Group
4. Develop and implement a mechanism for information-sharing and program accountability, including the requirement that programs cooperate in the tracking and reporting of outcomes for treated juveniles, including engagement, retention, program completion, six months recidivism rates, and positive youth development enhancements. Explore the development of a local juvenile justice collaborative to assist in these efforts.	Department of Corrections; Juvenile Justice Advisory Group
5. Establish a single clearinghouse that has immediate information as to the availability of programs within a continuum of care on a statewide basis. This information should be made available on a secure website, in real time, to all parties in the juvenile justice system, including juvenile justice correction officers, prosecutors, defense counsel and courts. The continuum of care shall include effective, research guided care that ranges from initial contact to comprehensive aftercare and includes diversion programs, residential programs and other alternatives to secure confinement.	Court System; Department of Corrections; Department of Health and Human Services
6. Provide judges with timely, objective and relevant information about the risks, needs and circumstances of juveniles, along with available research-guided options and resources, in a manner consistent with state and federal regulations.	Department of Corrections
7. Develop minimum standards for competency and certification that include juvenile law, adolescent mental health issues, adolescent brain development, positive youth development, trauma, asset building, and research-guided correctional risk-reduction principles and strategies for juvenile defense counsel, juvenile prosecutors, JCCOs and GALs assigned to juvenile justice-involved youth.	Court System; Department of Corrections; Maine Bar Association
8. Expedite the release or court processing of pre-adjudicated and detained juveniles. If no conditional right to release from detention has been authorized, a detention review, focusing on the purposes and criteria for detention and taking into account behavior while in detention along with identified recommended community alternatives, should be explored at approximately 20 working day intervals pending adjudication. If the juvenile has multi-agency involvement, all agencies involved should be expected to report to the court in-person, to the fullest extent possible.	Court System; Department of Corrections
9. According to a chosen method of economic analysis, sustain and expand proven cost-effective community-based programs, regardless of high initial costs. A funding mechanism should be established for such community-based programs that have been shown to have positive cost-benefit ratios using an accepted longitudinal tracking methodology.	Department of Corrections; Juvenile Justice Advisory Group

III. Community-Based Services Systems

The work of the Task Force highlighted the need for a robust and integrated community-based system of services for youth who are involved in the juvenile justice system. In Maine, youth are held accountable for their behavior by schools, police officers, Juvenile Community Corrections Officers, detention, and incarceration. A range of obstacles limit the community responsiveness to juveniles, placing increasing reliance on the juvenile justice system, especially detention and incarceration. The Community-Based Services Systems Subcommittee recognizes the need to improve and develop Maine's community-based services system to create more effective, expedient, and developmentally appropriate programming at less cost. Due to the rural nature of Maine, a community-based service delivery system is vital to ensure all youth with adequate service provision. Thus, the Community-Based Services System Subcommittee developed the following goal to address the way services are accessed and coordinated across the state:

7. By September of 2010, in conjunction with the Children’s Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment. Each of the eight districts will be headed by a District Council. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Dropout Prevention Summit.

Strategies to create and maintain an effective service delivery body include:

Strategy	Parties Responsible
1. Support ongoing efforts to establish district coalitions across agencies to provide better communication, referral, and provision of services	Children’s Cabinet; Shared Youth Vision Council
2. Appoint a Regional Planning team to review current structures across agencies and to recommend an operating structure.	
3. Catalogue what exists now for services, after-school, mentoring, and other programs to ensure full utilization and to identify resource needs and increase these opportunities	Shared Youth Vision Council; Dept. of Education; Maine Afterschool Network
4. Develop a comprehensive system of after-school programs, drop-in centers, and weekend recreation programs that are easy to access.	Children’s Cabinet; Shared Youth Vision Council
5. Develop best practices and consistent, state-wide implementation for juvenile diversion programs	
6. Support pilot projects where local solutions can be implemented and evaluated	
7. Expose community leaders to efforts that are making a difference	
8. Engage community leadership to develop programs and projects that would focus on high needs youth of all ages.	Shared Youth Vision Council; Dept. of Education; Maine Afterschool Network; Children’s Cabinet
9. Develop a cross-silo infrastructure that promotes service integration	
10. Create a mechanism that will identify youth with frequent system contact and facilitate their access to effective interventions	Department of Corrections
11. Develop a statewide and regional protocol that flags youth with frequent system contact and requires implementation of a strategic plan that can meet their needs	
12. Improve tracking and coordinated services for multi-agency involved youth or youth repeatedly in contact with the system.	
13. Collect data on trans-institutionalization as juvenile services are reduced and more youth enter the juvenile justice system. Identify all youth not living in a family. Use that data to create policy change.	

In addition to collaborative models of service delivery, the community-based services in Maine must be expanded and developed to meet current need, reflect the most recent research, and incorporate best practices. A recurring observation that emerged from the Task Force’s work was the lack of cohesion between programs, which leaves even highly-effective services without access to emerging research and supportive funds. Even the most well-conceived programs are at risk of closing due to insufficient usage or unsustainable funding sources. By coordinating the system of community-based services and holding those services to high standards of efficiency and effectiveness, youth across Maine will better access to: a continuum of diversion programs and placement alternatives, a

comprehensive system of after-school programs, drop-in centers, weekend recreational programs, transition services, and family supports. To meet this end the following goal was developed:

8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible.

Strategy	Parties Responsible
1. Support legislation encouraging state agencies to draft a comprehensive map of available programs, placements, and services	Juvenile Justice Task Force; Shared Youth Vision Council
2. Build a system that is based on research-guided programs, data analysis, and Blueprint programs	Department of Health and Human Services; Department of Corrections
3. Create incentives for the expansion and continuation of programs that are effective	
4. Require fidelity to proven models and fund them adequately	
5. Build a system that is data driven and outcome based, rather than based on unit of service.	
6. Expand existing family supports, coordinate access to these supports, and inform every family	
7. Work with the federal government to use the Runaway and Homeless Youth Act	
8. Identify and address service gaps at points of transition	Transition Council; Department of Corrections
9. Require realistic comprehensive transition plans for all juveniles 12 months before they leave the Juvenile Justice or Child Welfare systems. Recognize special subsets to make sure the directives of the Individuals with Disabilities Education Act are met. Make sure plans include housing, school, transportation, and other resources that must be in place if they are to succeed	
10. Facilitate and support a juvenile's independent identification of relationships that serve as familial surrogates (i.e. a friend's house, a teacher, an uncle, etc.)	Department of Corrections
11. Address the issue that committed and detained youth sometimes do not have visitors for months or years (leading to poor outcomes, recidivism, and loss of community) by developing a plan to meet these needs via outreach to families and the use of mentors and kinship relations	
12. Develop a rapid-response plan that creates local response teams to meet the needs of a family recently involved in domestic violence	Children's Cabinet; D.V. Council; Child Protection; Family support programs
13. Engage the domestic violence community to help develop effective strategies and responses with outcomes to help specifically address youth who commit domestic violence issues	

IV. Funding

The Juvenile Justice Task Force recognizes the centrality of funding issues in all of its recommendations for reform. The three subcommittees are particularly concerned with the following: guidelines that restrict the access to and use of funds by agencies and programs, which often cause pervasive obstacles to the adequate and effective provision of services;²² funding silos that preclude the transfer of resources to where they will be best utilized; and funding challenges that Maine faces due to its rural character.²³ Although a shift to dependence upon highly responsive and evidence-based community services will save resources, the reforms and ultimate savings are not possible without a restructuring of how funds are allotted and controlled. To fulfill the imperative of increased funding for community-based services, the three subcommittees of the Task Force generated the following goals:

9. By September, 2010, develop a plan to identify an on-going mechanism for providing flexible funding for youth who are served by multiple state agencies, utilizing resources from the public, private, and non-profit sectors. This plan will also include funding options for in-home and out-of-home services and placements for youth in the juvenile justice system.

The execution of these goals begin by supporting legislation that calls for the Department of Corrections to design and implement, by December 2010 and using existing resources, two demonstration projects that utilize a capitated or quasi-capitated funding model to provide services for youth who are in or at risk of entering the juvenile justice system.

Other strategies that will enhance the use of flexible funding and eliminate funding barriers to needed services and placements include:

Strategy	Parties Responsible
1. Support pilot projects and all possible funding strategies that make better use of resources and reduce inefficiencies	Children's Cabinet; DOC; Juvenile Justice Advisory Group
2. Examine cross-system mechanisms to share or braid funding.	DOC; Department of Health and Human Services
3. Develop policy guidelines to address the problems of treatment funding through the elimination of funding barriers and/or the allocation of flex funds to bridge gaps in services.	Department of Corrections; Department of Health and Human Services; Private Foundations
4. Revise and reallocate funding, specifically categorical funding, to allow for more flexibility ensuring planned access to necessary out-of-home temporary placements, and planned transitions from those placements. Utilize resources from the public, private, and non-profit sectors.	Department of Health and Human Services; Department of Corrections
5. In rural areas, explore creative methodologies to expand access to services, using pooled resources, or shared programs and placements that address the needs of their local juvenile justice community.	Department of Corrections
6. Address funding barriers, either due to insurance non payment or diagnostic requirements and expand services that are not resource-dependent.	Children's Cabinet
7. Use ideas proposed by researchers, such as Dr. Dennis Embry and the Paxis Institute's Evidence Based Kernels that can be implemented without the need for new fiscal resources.	Department of Health and Human Services; Department of Corrections
8. The use of private health insurance funds should be maximized whenever possible, using state funds to augment those funds if gaps in or barriers to needed services are identified.	Department of Corrections
9. Increase ability to serve youth who are able to obtain funding outside of MaineCare options.	Department of Corrections
10. Ensure that the two Youth Development Centers have appropriate funding levels to provide educational and support services, including online courses along with transitional educational aftercare services. Resources need to be maintained to ensure academic and correctional system standards to maintain school approval, accreditation and top rankings in national accreditation and performance-based outcomes.	Department of Corrections
11. Ensure that savings resulting from decreased incarceration remain in juvenile justice funding for the enhancement of Juvenile Justice Task Force recommendations.	Department of Corrections; Legislature
12. Investigate the use of Federal Title IV-E funds for community-based services geared towards juvenile justice system involved youth.	Department of Health and Human Services; Department of Corrections

The goals stated above constitute an actionable blueprint for effective juvenile justice reform. These goals, along with their related strategies, are meant to guide stakeholders toward a model of juvenile justice in Maine that saves money, better manages important services and resources, and boasts improved outcomes for all Maine youth.

¹ Alma Powell, Chair, America's Promise Alliance - "Delivering America's Promise," 2009 American Academy of Pediatrics National Convention and Exhibition, October 17, 2009: - <http://www.americaspromise.org/About-the-Alliance/Press-Room/Speeches-and-Quotes/2009-Alma-Powell-October-17.aspx>. "If you drop out, you're twice as likely to be unemployed as a high school graduate. You'll be three times as likely to live in poverty. You're eight times more likely to wind up in prison. There's a four in 10 chance you'll depend on public assistance. You're more likely to have health problems, and your life expectancy will be shorter. And you're twice as likely to become the parent of a dropout and perpetuate the cycle." See also Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009), http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement.pdf [hereinafter *The Costs of Confinement*] ("Research continually links education and the likelihood of participating in illegal behavior or ending up in prison. Forty-one percent of adults in prison and jails do not have a high school diploma and . . . dropouts are 3.5 times more likely than high school graduates to be arrested.") (internal citations omitted); American Civil Liberties Union, *Locating the School-to-Prison Pipeline* (2007), http://www.aclu.org/images/asset_upload_file966_35553.pdf ("For most students, the pipeline begins with inadequate resources in public schools. . . . [F]ailure to meet educational needs increases disengagement and dropouts, increasing the risk of later court involvement.").

² See Education Week, Editorial Projects in Education Research Center, *Diplomas Count, 2009: Broader Horizon's - The Challenge of College Readiness For All Students*, at 7 (2009) (presenting a Chart Entitled: "Projection of Graduates and Non-Graduates").

³ USM Muskie School of Public Service, Justice Policy Program *2008 Maine Crime & Justice Data Book* (2009) pg. 3-6 "Of the 1,840 prisoners in adult facilities for whom education data is available, a majority of prisoners (54.1%) have less than a high school (HS) education, and nearly one-eighth (11.1%) have less than a 9th grade education. Overall, 45.9% of the inmates in Maine's prison system have a 12th grade education or a higher level of education, compared with 89.4% across the state."

⁴ Center for Labor Market Studies, Northeastern University, *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Tax Payers* (October, 2009). "The average high school dropout will cost taxpayers over \$292,000 in lower tax revenues, higher cash and in-kind transfer costs, and imposed incarceration costs relative to an average high school graduate." Id.

⁵ See University of Maine, *Maine's Dropout Prevention Summit* (July 17-18, 2009) (presenting the "Governor's Challenge by America's Promise Alliance"), available at <http://www.maine.gov/cabinet/syv/WorkAndActionReports/DropoutPreventionSummit.htm>

⁶ See generally 18 U.S.C. §922(q) (1994).

⁷ See American Bar Association, *Zero Tolerance Policy Report* (2001), available at <http://www.abanet.org/crimjust/juvjus/zerotolreport.html> (discussing the expanded scope and unintended consequences of zero tolerance policies).

⁸ See *id.* ("Although few could quarrel with a policy of zero tolerance towards children who misbehave - adults who raise, teach or supervise children should react to misbehavior - their responses should be appropriate to the age, history and circumstances of the child as well as to the nature of the offense. Unfortunately, when it is examined closely, 'zero tolerance' turns out to have very little to do with zero tolerance, and everything to do with one-size-fits-all mandatory punishment.").

⁹ See 20-A M.R.S. § 1001(9) (providing Maine's standards for student suspensions and expulsions). "Following a proper investigation of a student's behavior and due process proceedings, if found necessary for the peace and usefulness of the school, they shall expel any student: A. Who is deliberately disobedient or deliberately disorderly; . . ." Id. (emphasis added).

¹⁰ Institute for the Study of Students At Risk, College of Education and Human Development, University of Maine, *Maine Dropout Prevention Guide*, at 27 (2006) (emphasis in original).

¹¹ Governor John E. Baldacci, Maine Governor, *2006 State of the State Address* (2006), available at http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Speeches&id=21216&v=Article

12 Maine Department of Health and Human Services, *Invest Early In Maine: A Working Plan for Humane Early Childhood Systems* (2006).

13 Maine Children's Alliance, *Maine Kids Count Data Book*, at 19 (2009).

"Every year for the past nine years, approximately two-thirds of Head Start eligible children have not been enrolled in a Head Start program. In 2008, there were 14,748 eligible children. The total actual enrollment of individual children in Head Start was 4,787, while the total funded Head Start enrollment was 3,920. The difference between the actual enrollment figure and funded enrollment figure represents 867 children who were enrolled in a program for a minimum of 30 days, but did not receive a full year of Head Start."

Id.

14 Department of Corrections, Office of the Director of Continuous Quality Improvement (Nov. 19, 2009).

15 Id.

16 Id.

17 See generally *The Costs of Confinement*, *supra* note 1. See also James Austin et al., *Alternatives to the Secure Detention and Confinement of Juvenile Offenders* (Office of Juvenile Justice and Delinquency prevention, 2005), <http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>, which provides the following endorsement of community-base programs:

Community-based programs are cost-effective solutions for a large number of delinquent youth. These alternatives to secure detention and confinement are intended to reduce crowding, cut the costs of operating juvenile detention centers, shield offenders from the stigma of institutionalization, help offenders avoid associating with youth who have more serious delinquent histories, and maintain positive ties between the juvenile and his or her family and community.

Some community-based programs have been shown to reduce recidivism by up to 22 percent, at a cost significantly lower than imprisonment. *The Costs of Confinement*, *supra* note 1 at 12 (citing Washington Institute for Public Policy, Elizabeth K. Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (June 2007) <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>).

18 Justice Policy Institute, Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, 2 (Nov. 2006), http://www.juticespolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf [hereinafter *The Dangers of Detention*]. See also *The Costs of Confinement*, *supra* note 1 at 10 ("Researchers who have critically evaluated the adult criminal justice system have found little if any correlation between increasing prison populations and lower crime rates. . . . Concurrently, data shows that states that increased the number of youth in facilities did not necessarily see a bigger drop in crime than states that lowered juvenile correctional populations.") "[S]tates that significantly lowered the number of youth incarcerated were more likely to see bigger drops in crime than states that increased their correctional populations." Id .

19 *The Costs of Confinement*, *supra* note 1 at 1.

20 Id. at 4. (citing Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp and American Correctional Association, *2008 Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (2008)).

21 Id. at 1.

22 For example, in order for residential placement programs to receive MaineCare funding, their residents must demonstrate medical necessity through the Intensive Temporary Residential Treatment (ITRT) process. Youth who do not meet ITRT criteria but require an out-of-home placement have limited options outside of being placed in DHHS custody or committed to a secure detention facility.

23 For information concerning a variety of special techniques, tactics, and strategies that can help rural areas accomplish detention reform, see Richard A. Mendel, Annie E. Casey Foundation, *Detention Reform in Rural Jurisdictions: Challenges and Opportunities* (2008), available at http://www.aecf.org/~media/PublicationFiles/15_Rural_Pathways_r20.pdf.