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Juvenile Code Impact

C
An interim report of the
impact of the first six months
operation of Maine's Juvenile
Code by the Department of Mental
and Corrections.

Submitted to: The Office of the
Governor
The 109th Legislature,
the Judiciary

March 1, 1979

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INTRODUCTION

INTRODUCTION

This report is an attempt by the Department of Mental Health and Corrections to inform the Governor's Office, the legislature, the various elements of the juvenile justice system and the people of the State of Maine, what the Department of Mental Health and Corrections is doing to combat juvenile crime. Contained within this report are the principles which the Department of Mental Health and Corrections considers to be the guide for a system which respects both the dignity and integrity of people. This means that justice becomes equity, balancing the respect for autonomy and different life styles with the need for public safety. Attempts are being made to eliminate a system that is based on categorical classifications such as pathology or criminal offense. To do this, a metamorphosis must occur, and the dynamics of people in need of protection, help, security and care be viewed as occurring within a family, a neighborhood and a community.

The Department of Mental Health and Corrections has made a commitment to this principle and a pledge to the people of Maine, that it will work to preserve and strengthen the family, that it will seek creative ways to support the community in its continuing endeavor to deal with deviancy and that it will respond to all the citizens of Maine with the integritious professionalism that is expected.

George A. Zitnay
Commissioner
Department of Mental
Health and Corrections

PHILOSOPHY

"PHILOSOPHY"

Before any agency or government can plan, there must first be a statement of philosophy and principles to guide the setting of particular goals and objectives.

It is the intention of the Department of Mental Health and Corrections to implement Juvenile Justice programs within the framework of the following comprehensive philosophy and policy statement on families.

The Department of Mental Health and Corrections recognizes; (1) that although the structure of the family in our contemporary society has undergone a great deal of change, the family remains the most important unit of society and the primary bearer of our culture's values and traditions; (2) that the family is the most natural effective and efficient provider of care and assistance to its members; (3) that the right to family is one of the basic human rights and the right of family integrity is Constitutionally protected and; (4) that the State has basic responsibilities not only to the public at large and to its clients, but also to the families of its clients and the families it serves.

All Department programs and services should respect and protect family integrity and unity; support the capacity and ability of families to provide for the economic, social, and cultural needs of their members; preserve and strengthen family ties, especially those between a family and a dependent member receiving Departmental services; and encourage the values that pertain to family life, including respect for persons and personality, care and sharing discipline and autonomy and trust.

The Department also believes that the following principles should guide the development and implementation of services and that they can serve as standards for evaluating the accomplishment of the above goals.

1. Pluralism. Services should be non-discriminatory and they should respect the variety of family lifestyles, and they should be designed to serve the needs of families as they define themselves.
2. Family as Provider of Services. Since the family is the most natural, effective, and efficient provider of care and assistance to its members, programs should be designed that help individuals by helping families help their own members.
3. Limits to Government Intrusion. "Services should represent a continuum from the most natural environment, the family, to the least natural, where the individual is removed from the family unit. This continuum should be viewed as a range of preventive, supportive, and substitutive services, and should be organized to minimize the degree to which the system assumes responsibility for the family function." Wherever possible professional services should be home-based, rather than officebased. Greater use should be made of volunteers and paraprofessionals, and natural helping and self-help networks.

4. Family Focused Services. Problems experienced by one family member affect and involve other family members and kin. Where possible, services should focus on the whole family, and professional care should be attuned to integral family needs. (Programs such as family counseling and family therapy, whole family respite care, family life and parenting education, and family crisis services should be encouraged. Multi-problem families should have case managers or family advocates.)
5. Intergenerational. Services should be designed from an intergenerational viewpoint. They should be family-oriented, not merely child-oriented or elderly-oriented. Efforts should be made to overcome age stratification by combining services for children, the elderly, and the handicapped. as. e.g. foster grandparents.
6. Neighborhood and Community. Since the neighborhood is the setting for family life and the inter-family networks that support family life, and since community-based services are generally more cost effective than institutional services, services should be, as much as possible, neighborhood and community-based. They should be sensitive to the immediate locale and be flexible in their implementation.
7. Ethnicity. Since the family is rooted in its ethnic heritage, programs should be sensitive to ethnic values and attitudes and staffing should reflect the ethnic composition of the families they serve.

The purposes of the new Maine Juvenile Code place as their top priority (*italics added*):

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

In accordance with the Departments overall family policy and with the purposes of the Maine Juvenile Code, the Department will be planning towards the following services for juveniles in Maine:

1. Activation of community conference committees as specified by Code Ch. 11-A, § 269. The Department will develop guidelines and assist communities to establish committees that have at least the following functions: (1) to advocate for services and act as a good neighbor to families of juvenile offenders, (2) to coordinate the services of volunteers and paraprofessionals from the community as a resource for juvenile offenders and their families, and (3) to advise the local community and the State on the needs of juvenile offenders and their families.

2. Family Court. The Department will provide planning support to the Probate Code Revision Committee to develop model for family court to handle cases involving divorce, custody, protective custody, and juvenile justice, with an accompanying citizen mediation process for cases which do not require judicial settlement.
3. The Department will provide technical assistance for the development of volunteer and paraprofessional networks to serve as resources that intake workers can draw on for preventive and rehabilitative care and assistance to the juvenile and his or her family. The Department will encourage the development of family support groups and community networks of helping families, after the model of the Washington County (Vt.) Youth Services' "Country Roads" project on runaways.
4. The Department will encourage the development of home detention services, to cut down on the number of juveniles unnecessarily detained in secure facilities (ST. Louis model).
5. The Department will encourage the development of family focused services, which are more effective than services designed for the juvenile alone.
6. The Department will provide technical assistance to municipalities to develop such preventive services as youth juries, ordinances on vandalism, marijuana, theft and parental responsibility (Deerfield, Illinois model).
7. Pluralism. The Department will ensure that its services respect family pluralism and that they do not discriminate against any particular type of family, e.g. the single parent family.
8. The Department will work with the Department of Human Services and the Department of Educational and Cultural Services to develop a coordinated policy on families.

HISTORY

Historical Summary

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

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

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

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

CURRENT STATUTE

CURRENT STATUTE

Philosophy

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

Intent

On July 1, 1978 the 108th Maine Legislature enacted a revised juvenile code intended to reflect this philosophy. The new code created a juvenile justice system that: focuses on the juvenile within the family structure; provides a standardized process for dealing with juvenile offenders, runaways and neglected youth; creates a range of alternative dispositions; and guarantees individual rights. More specific intents can be found within each of these areas of the code.

A. Standardized Process

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

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

B. Alternative Dispositions

The code intends to decrease the numbers of juveniles processed through the courts: 1) to receive services because of abuse, neglect

or running away; 2) as juvenile offenders being held for court for simple detention or diagnosis and evaluation; and 3) as offenders sentenced to probation or the Maine Youth Center, by creating a series of alternative dispositions in three areas.

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

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

Finally, the code creates a wide range of dispositional alternatives for judges who do adjudicate a juvenile offender after a petition has been filed. These range from release to his/her parents through probation to referral to the Department of Human or commitment to the Maine Youth Center. The code also requires a judge to withhold an institutional disposition unless certain specific criteria are met as an additional way of decreasing the number of inappropriately sentenced juveniles.

C. Individual Rights

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

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

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

Specific Charges to the Department of Mental Health and Corrections

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

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

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

The information collected about the intake process forms the basis for the other two major charges to the Department of Mental Health and Corrections: an administrative plan and an annual plan for identifying, evaluating, and meeting the service needs of adjudicated youth and for preventing juvenile crime. It is this latter plan, of which the previous sections are a part, that provides the basis for determining if the Revised Juvenile Code is meeting its intents.

DATA ANALYSIS
SECTION I

CODE IMPACT ARRESTS

DATA ANALYSIS SECTION

Introduction

This section of the Juvenile Justice Plan will present an analysis of data gathered from various points in the criminal justice system which relate to the Maine Juvenile Code. Insofar as possible the focal point of this analysis will be the five legislatively stated purposes of the Code (15 MRSA §3002). The purposes will be addressed by a four part presentation:

1. the Department will state how it construes the stated purposes and legislative intent in functional terms;
2. the Department will summarize the anticipated impact of the code on the Juvenile Justice System as perceived by a pre-code analysis completed by the Department by April of 1978;
3. detailed data will be displayed, demonstrating the actual impact to date of the Code's implementation; and
4. resource/service gaps and system problems will be identified and addressed by a series of recommended solutions.

It is important for the reader to keep in mind that the analysis for this section is done with only six months experience with a new, innovative and far reaching law. At this point in time some of the materials presented are only indicators and cannot be construed as absolutes. With the on-going, intensive evaluation of this Code, the Department of Mental Health and Corrections will be in a better position to report on the Code's impact.

In order to place the discussion of the purposes of the Code in an overall context, overviews of Maine crime in general and Maine juvenile crime, in specific, are provided below.

Overview of Maine Crime

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

The violent crime rate in Maine is approximately one half the national average, dropping in 1978 to its lowest rate since the collection

of UCR (Uniform Crime Report) ¹ data four years ago. Maine also has the fifth lowest murder rate in the nation. The major crime problem in Maine is property offenses, mostly burglary, larceny and thefts.

Maine has shown, however, some significant changes in its arrest rate (arrests per thousand population) for both juveniles and adults. UCR data for the past four fiscal years ² indicate that although the crime rate is stable, the arrest rate is increasing. Simply put, although the number of crimes being committed is about the same, the rate of people being arrested has increased by 11.8% for adults and 14.6% for juveniles. This is probably due to an increasingly efficient law enforcement community in Maine. However, it should also be noted that the number of juveniles in Maine has decreased by 21,600 or 8% for that same period, resulting in a possible increasing the visibility of juvenile crime. Additionally, the increase may also reflect policy changes within the law enforcement community.

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

Juvenile Crime

As stated above, the juvenile arrest rate has substantially increased over the past 3 years. In order to determine what types of crimes are being committed, how many juveniles are being arrested, what police departments do with those arrested juveniles, and what role the intake worker plays in the system, the Department of Mental Health and Corrections collected and analyzed data from all parts of the juvenile justice system.

Data Chart I (next page) illustrates that the number of juvenile arrests has gradually increased since FY 1976 and projections for FY 1979 show this trend will continue. This is in light of a state wide decrease in the juvenile population (5 years to 17 years old) over the past four years, as mentioned above.

Data Chart I also illustrates a similar increase in the number of juveniles reported by police departments as "referred to court". However, for FY 1979, many of those juveniles were handled by the intake worker without ending up in court (this will be explained in greater detail later on in this report). This indicates a trend since FY 1976 for police to arrest more juveniles and to deem them appropriate for referral to court.

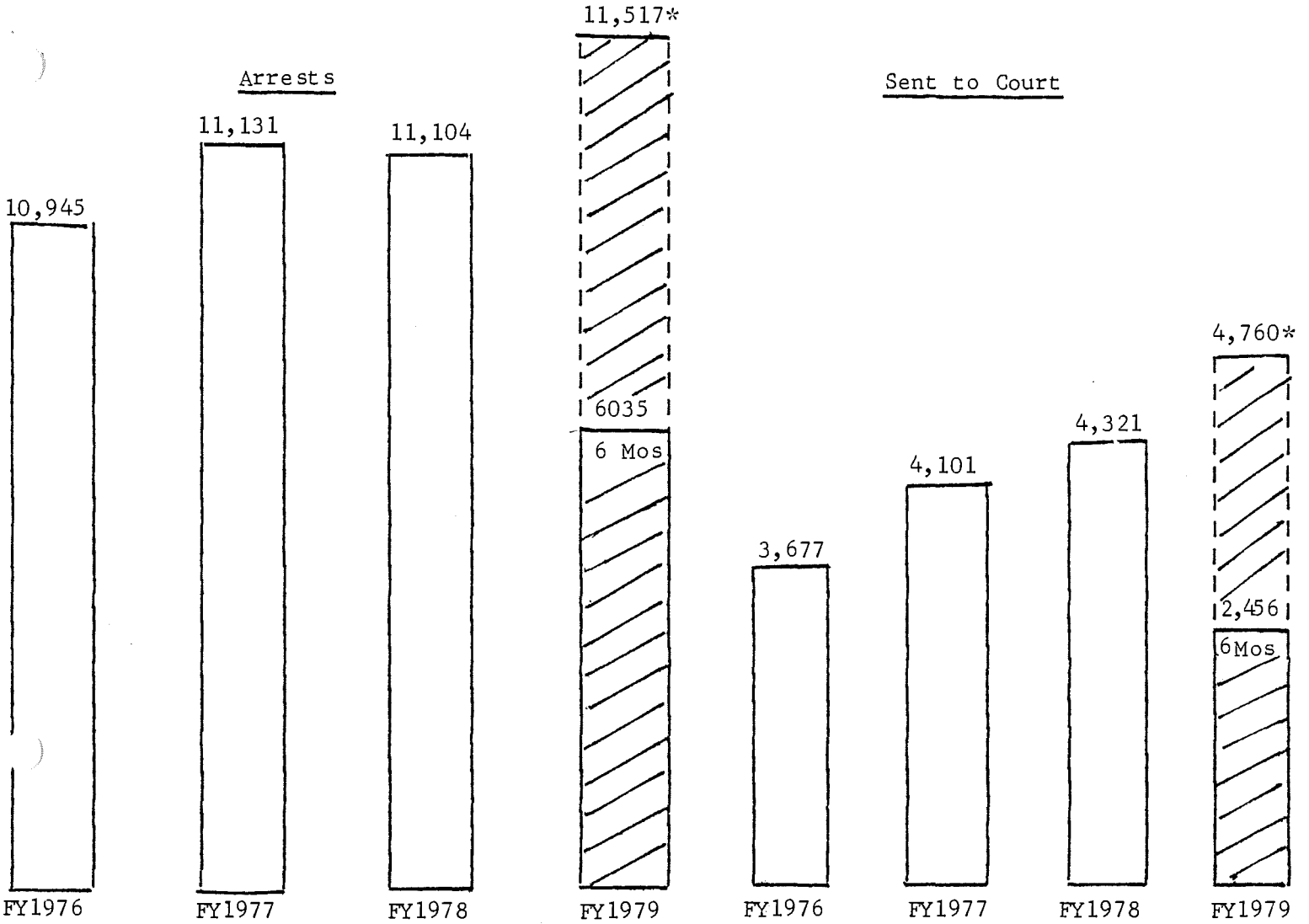
1

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

2

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

DATA CHART I



Number of juveniles arrested by fiscal year-
 *1979 projected from 6 mos. data. UCR-SDAC 1979

Under the UCR reporting forms, there is no specific classification to record a referral to an intake worker. Since police are requesting a petition when they refer a case to intake these are generally classified as "refer to court". Thus, the increase for FY79 was expected. Many of these juveniles were in actuality diverted from court.

It is also important to determine what types of crimes are contributing to these increases. To accomplish this, juvenile offenses were categorized into three groups:

1. status offenses-
 - runaway
 - curfew
 - possession of marijuana
 - possession of liquor

2. less serious offenses-
 - vagrancy
 - disorderly conduct
 - intoxication
 - liquor law violation
 - gambling
 - vandalism
 - prostitution
 - panhandling
 - failure to disperse
 - littering
 - indecentcy

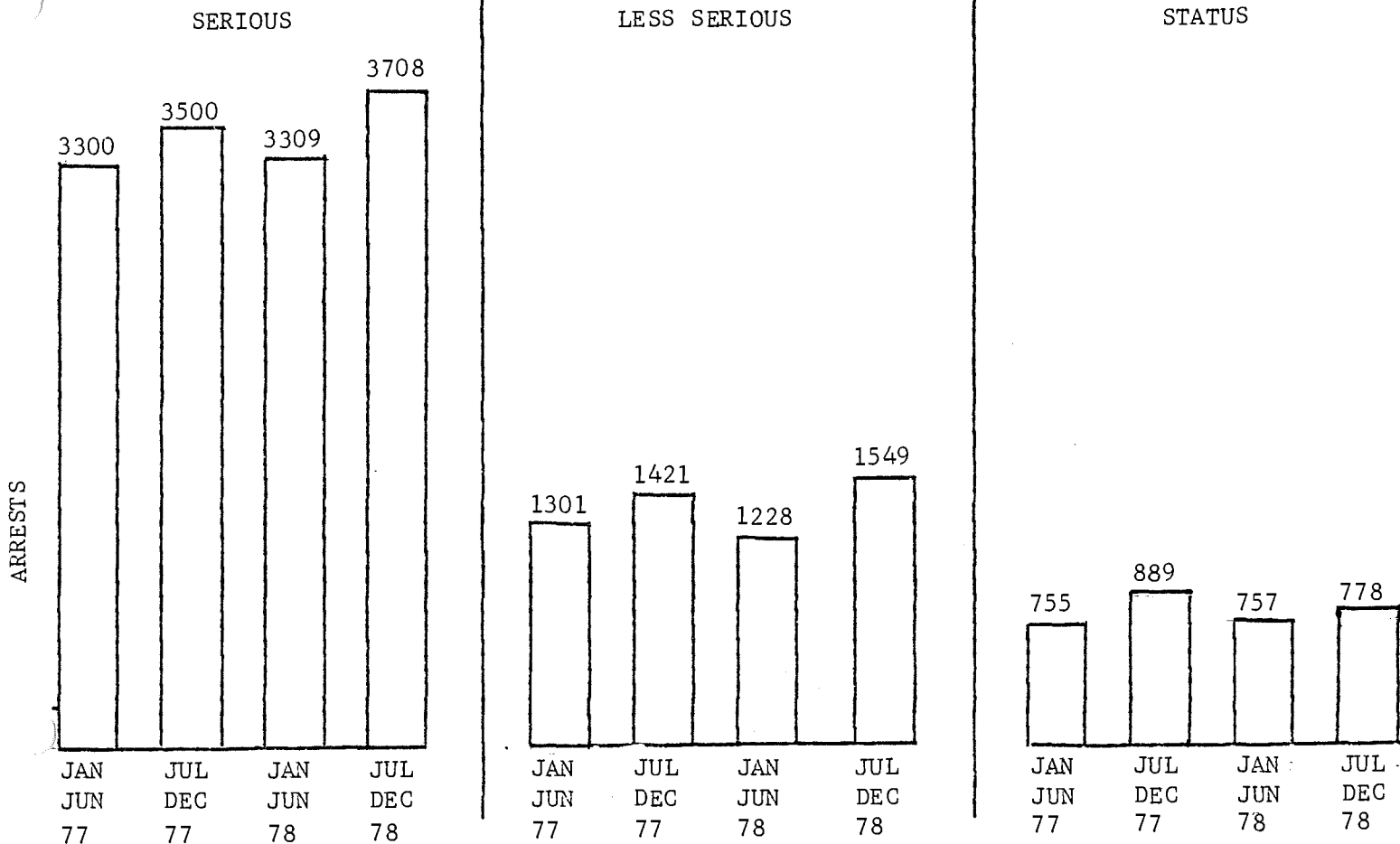
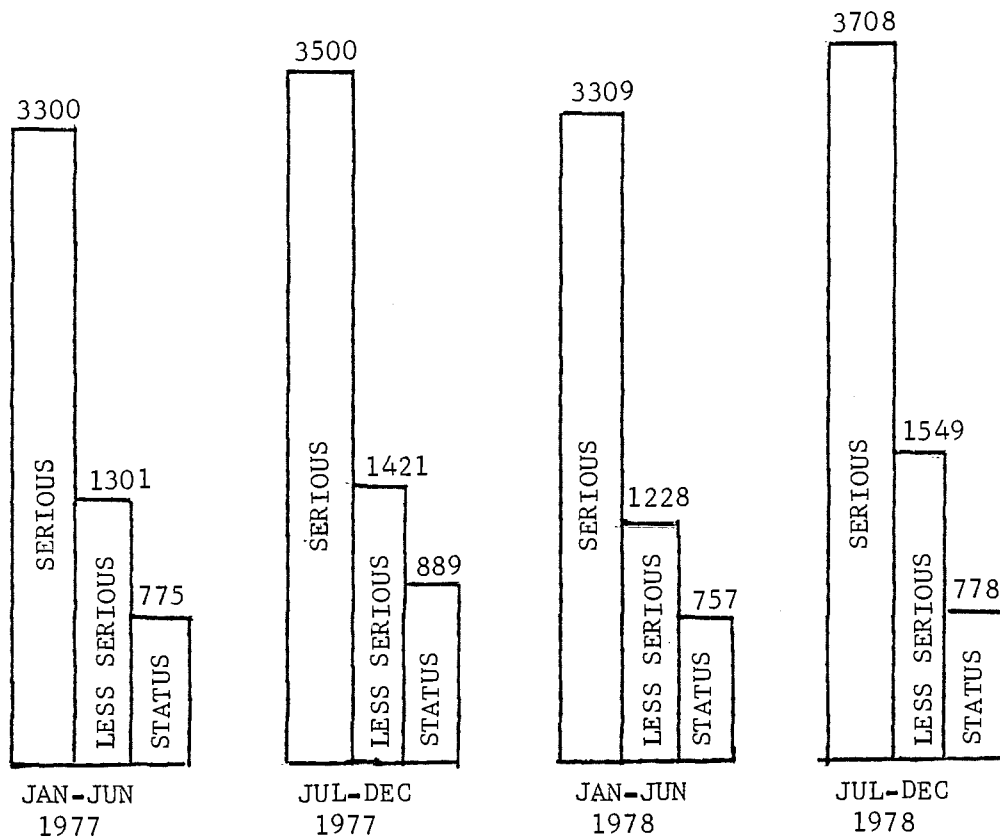
3. serious offenses
 - all other offenses.

Under these categories, the number of juveniles arrested were reviewed for three six month periods prior to the Code and for the six month period after the code.

Data Chart II below illustrates that the number of juveniles arrested for serious offenses has gradually increased from 3,300 in the six months of January-July 1977 to 3,700 during the July-December 1978 (Post-Code) period. A similar increase is noted for the less serious offenses; 1,301 to 1,549. Status offenders remained fairly stable.

DATA CHART II

Juveniles Arrested
by group - Pre-Post
Code



The trends in crime and arrest rates, established over the data collection periods, have remained constant and not been significantly affected by the Code. In fact, it is possible that the number of juveniles arrested has increased partially because the law enforcement community now has available a new option after the point of arrest (i.e. the Intake Worker System).

The sections upcoming analyze data from subsequent points in the criminal justice system (i.e. detention, referral to intake worker, informal adjustment, petitions to court, post-adjudication, etc.). Since these are the areas primarily addressed by the Code, they will be analyzed in view of the stated purposes of the Code.

DATA ANALYSIS
SECTION II

CODE IMPACT DETENTIONS

DETENTIONS

Secure Detention at County Jail Facilities

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

34, MRSA, § 3

"Inspection of county jails; standards

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

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

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

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

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

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

JUVENILES

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

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

- "7. Restriction on place of detention. The following restrictions are placed on the facilities in which a juvenile may be detained.
 - A. An intake worker or a juvenile court judge may direct the delivery of an arrested juvenile to a jail or other secure facility intended or used for the detention of adults only when the receiving facility contains a separate section for juveniles, is one in which the juvenile would have

¹ County Jail, Municipal Jail Standards, DMHC, 1977, Page 15

no regular contact with adult detainees or inmates and has an adequate staff to monitor and supervise the juvenile's activities at all times."

As shown on the chart (see next page) there has been considerable effort by the Department of Mental Health & Corrections and local municipalities to adhere to State standards. This has been accomplished through major reconstruction and/or renovation throughout the past few years. This is a continuing process and one which the Department of Mental Health and Corrections will continue to vigorously enforce and support.

DATA CHART III

JUVENILES DETAINED AT COUNTY JAILS
 BY COUNTY/APPROVED HOLDING FACILITY
 FY1974, FY1975, FY1976, FY1977, FY1978

	FY 1974		FY 1975		FY1976		FY 1977		FY 1978	
	#JUV HELD	APPROVED FACILITY	#JUV HELD	APPROVED FACILITY	#JUV HELD	APPROVED FACILITY	#JUV HELD	APPROVED FACILITY	#JUV HELD	APPROVED FACILITY
Androscoggin	148	*Yes	382	Yes	142	Yes	475	Yes	496	Yes
Aroostook	15	No	102	*Yes	138	Yes	155	Yes	211	Yes
Cumberland	85	*Yes	242	Yes	181	Yes	607	Yes	922	Yes
Franklin	31	No	51	*Yes	30	*Yes	81	*Yes	73	Yes
Hancock	0	No	29	No	90	No	19	No	85	No**
Kennebec	17	*Yes	27	*Yes	44	*Yes	26	No	0	No**
Knox	0	No	32	No	29	No	4	Yes	86	Yes
Oxford	18	No	45	No	59	No	47	No	113	No
Penobscot	25	No	34	Yes	36	Yes	36	Yes	141	Yes
Piscataquis	0	No	38	No	8	No	7	Yes	21	Yes
Somerset	30	No	56	No	76	No	59	No	34	No**
Waldo	86	No	62	No	55	No	98	Yes	72	Yes
Washington	10	*Yes	40	*Yes	60	*Yes	55	No	0	No**
York	17	No	0	No	0	No	0	No	0	No
TOTAL	482		1,086		948		1,669		2,254	

*Deficiencies noted

**New facility or renovation under way

Secure Detention of Status Offenders

The Department of Mental Health and Corrections has for the last two years, conducted an on-site survey of secure facilities in Maine. During this survey, data concerning the numbers, offenses, age, sex and other variables were collected on all juveniles detained for those years. In order to measure the impact of the Juvenile Code, and the prediction by the Department of Mental Health and Corrections that there would be a 44% reduction in status offenders detained, the two years of fiscal years 1977, and 1978 were analyzed and were then compared with the first three months of fiscal years 1978 and 1979 (July-August-September). The results are displayed below.

NON-/STATUS OFFENDERS DETAINED
IN SECURE DETENTION FACILITIES

FY1977	<input type="text"/>	432
FY1978	<input type="text"/>	455

pre and Post Code Comparisons

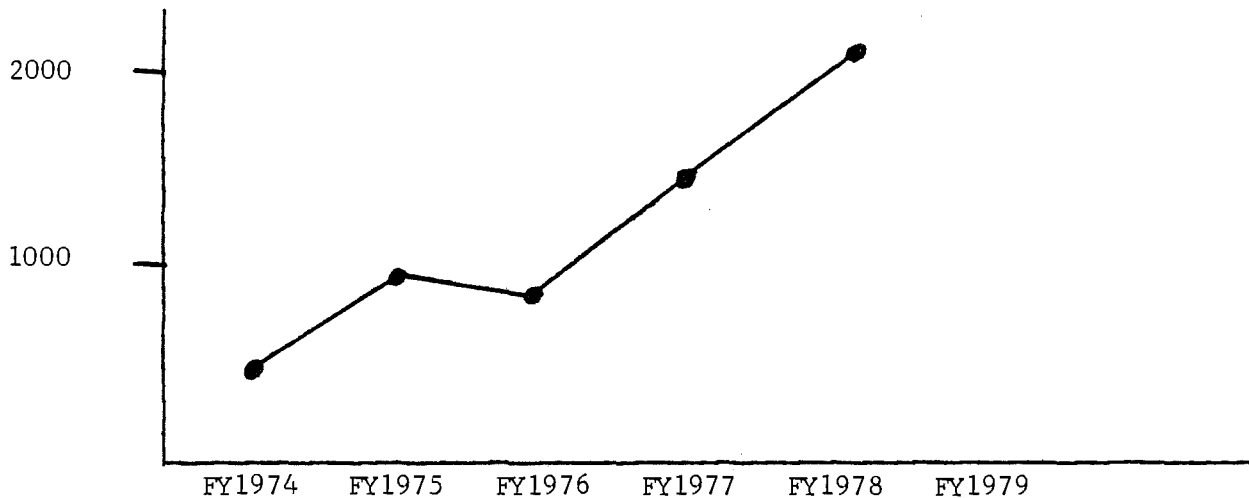
PRE-CODE	1977	July	August	September	Total
# Detained		71	54	39	164
POST-CODE	1978				
# Detained		38	38	21	97

Data shows that for the first three months of the juvenile code there has been a 41% decrease in the number of juvenile status offenders detained in secure facilities. Equally as important is the fact that, consistent with legislative intent, 92% of these juvenile status offenders are being immediately returned to the family environment and the remaining 8% to a responsible adult relative or organization.

Juvenile Serious/Less Serious Offenders Detained at Secure Facilities

Although there has been some marked success with reducing the secure detention of juvenile status offenders, there does not, at this time, appear to be much improvement in the detention of other juvenile offenders. This statement can be demonstrated with two sets of data.

First, detentions of juveniles at county jails has increased rather dramatically over the past several years, as illustrated below:

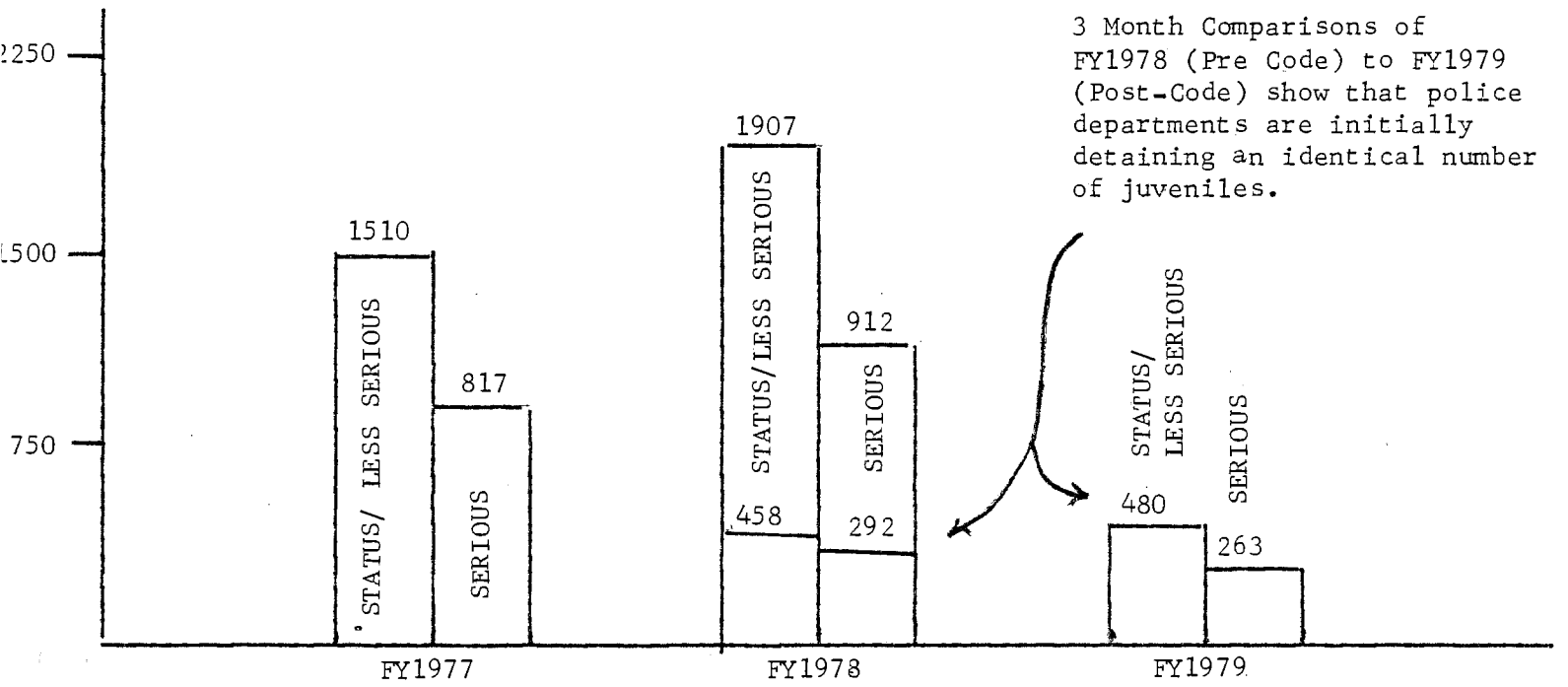
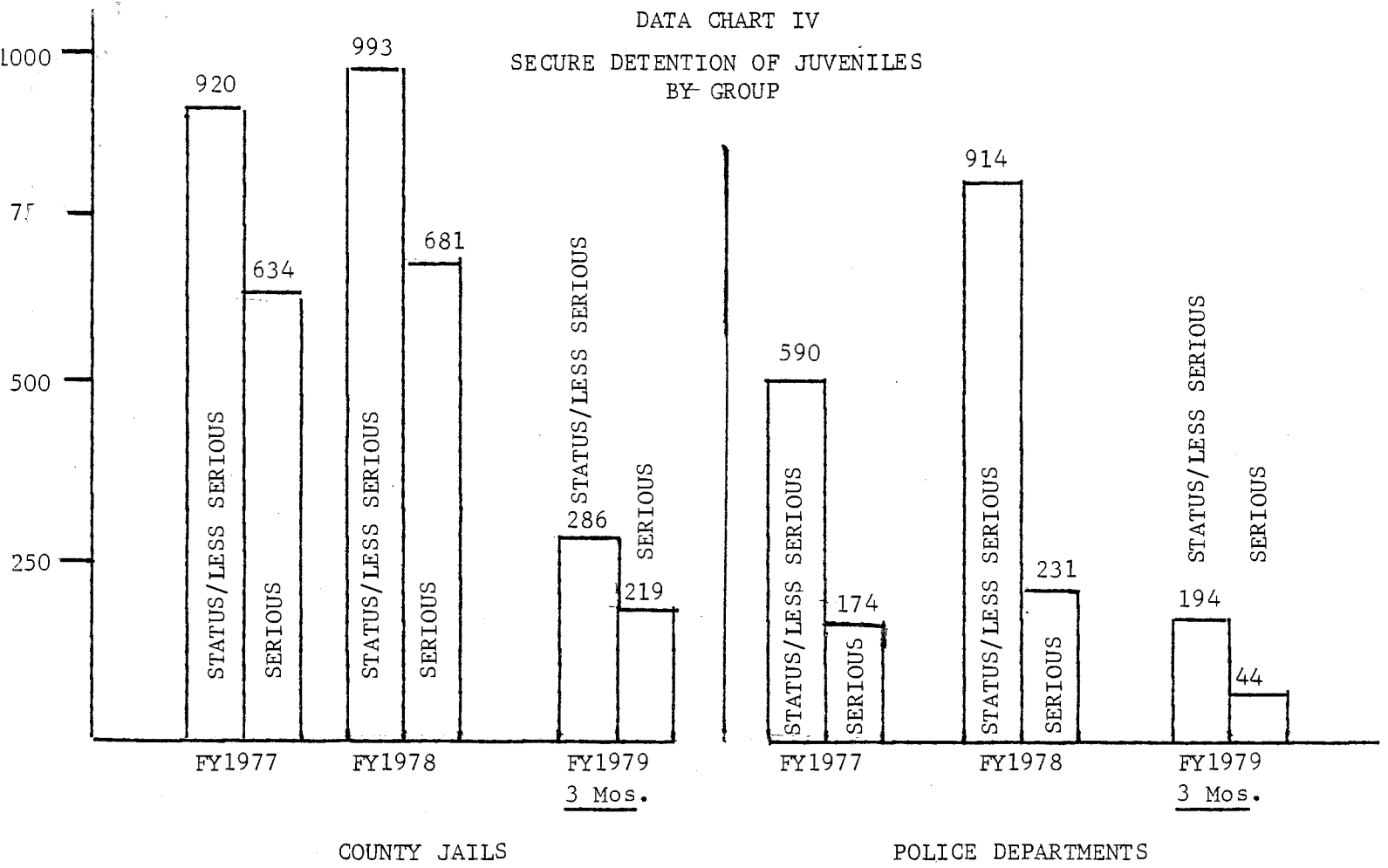


The Department of Mental Health and Corrections expected (and projected) an immediate drop in the number of juveniles detained once the Code became effective. The actual projection by the Department of Mental Health and Corrections was that a reduction of 25% would occur during the first year, with an additional 25% reduction for the second year. The reason for this expected drop in detentions was because of the number of less serious juvenile offenders that were being detained in secure facilities prior to the code. For example, as illustrated on the next page, most juveniles detained by both local police departments and county jails were of the less serious nature. Three of the five detention criteria contained in the code have to do with the probability of some form of violence and the code is specific in its "least restrictive" mandate. Since the less serious juvenile offender is being arrested for a non-violent offense the Department expected a substantial reduction in the number of detentions in this category. The county jail data shows however, that for July, August and September of 1977 (Pre-Code) 502 juveniles were detained,¹ and for the same months of 1978 (Post-Code) 505 juveniles detained.² Police departments showed a slight decrease from 248 in 1977 to 238 in 1978.

¹ It is important to note that detention here means a juvenile is held for any period of time in a locked cell or locked room.

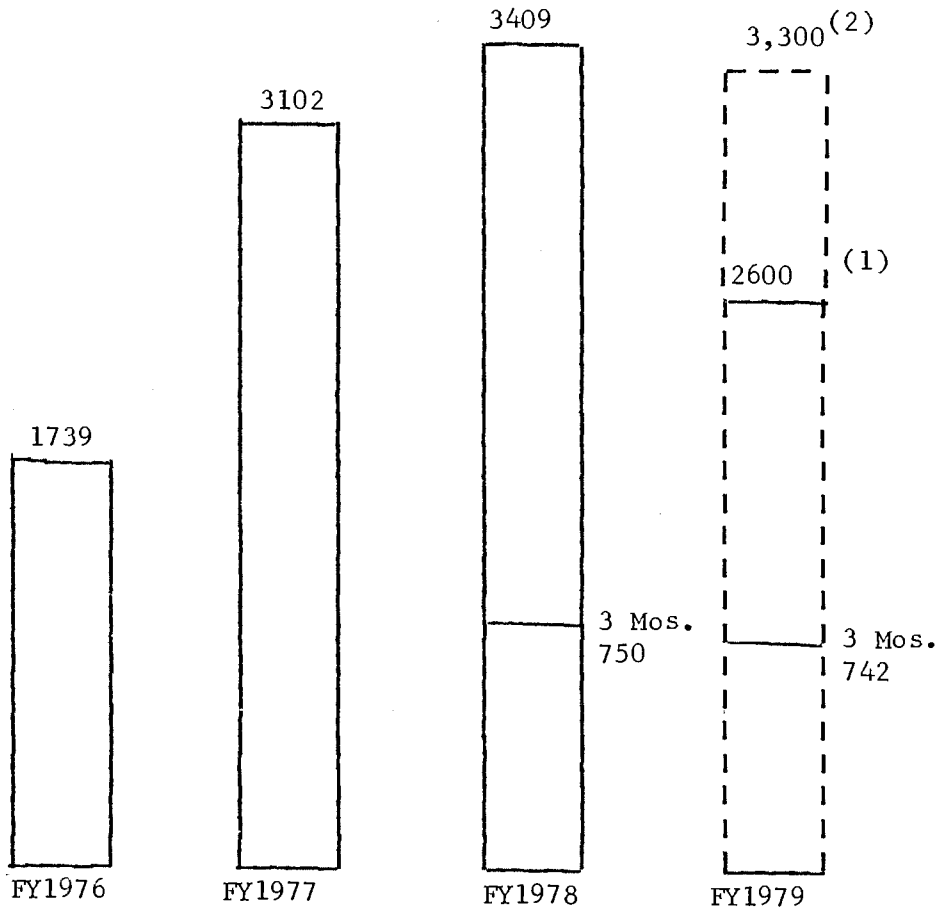
² Many of these juveniles were detained for approximately 1 to 4 hours at which time the intake worker was then contacted or they were released.

DATA CHART IV
SECURE DETENTION OF JUVENILES
BY GROUP



For the juveniles detained, only 13% were held because of the harm/violent criteria; 8% were held because of "ensuring presence in court" and 80% were detained because there was no parent willing or able to supervise and care for him/her adequately. The Department did not foresee the use of this detention criteria to the extent it is obviously being used. The Department will develop a policy statement and procedural guidelines addressing this issue as well as the necessary services which will be needed to reduce detentions.

TOTAL JUVENILES DETAINED IN POLICE DEPARTMENTS & COUNTY JAILS

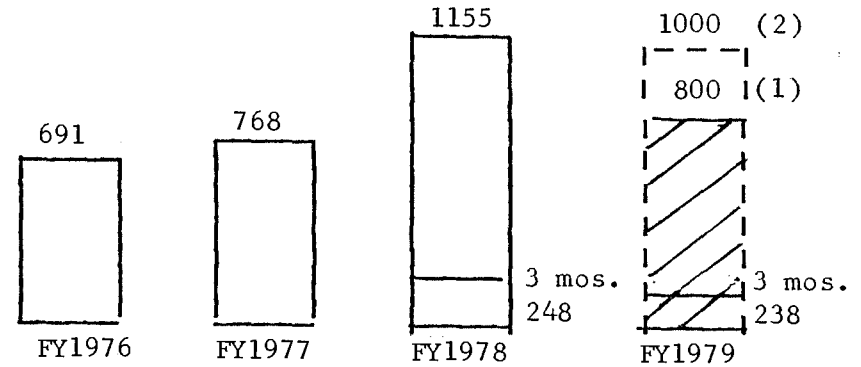


A PROJECTED 25% DECREASE FOR FY1979.

(1) Initial projection by DMH&C in April, 1978 approximately 25% decrease.

(2) Current projection from six months data. July-Dec - 1978

JUVENILES DETAINED IN POLICE DEPARTMENTS

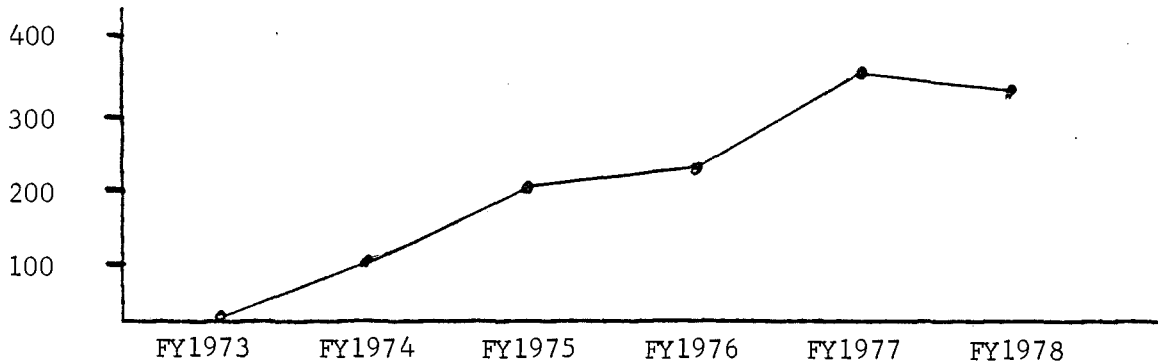


JUVENILES DETAINED IN COUNTY JAILS



Juveniles Detained at the Maine Youth Center for Diagnostic Evaluations Pending Court Appearances

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

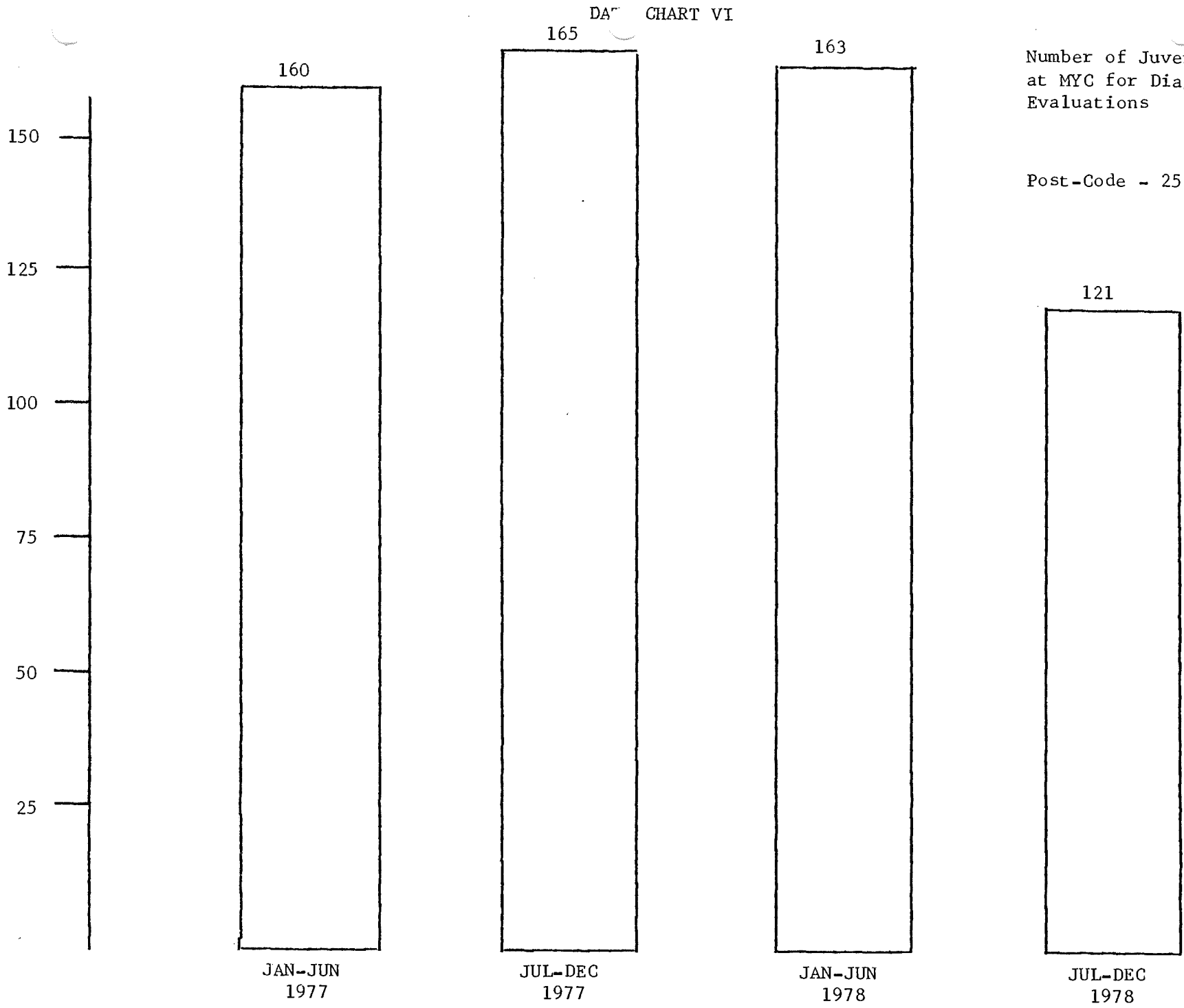


These diagnostic evaluations have required the Youth Center to reallocate substantial staff resources to perform this function. For some of these juveniles, this service appears inconsistent with the Code in two areas. First, some of the less serious juvenile offenders held at the Youth Center do not require secure detention as defined in § 3203, Paragraph C, since the Youth Center is not always the "least restrictive setting". For this group, diagnostic evaluations could just as well be performed in the community mental health centers (perserving the "care and guidance in his own home" issue.) Secondly, there may be juveniles placed at the Youth Center for "shock"¹ treatment; the average stay for diagnostic evaluations being approximately 21 days which is much longer than a simple hold for court. The Department of Mental Health and Corrections disagrees with this practice for two reasons. First, the Department of Mental Health and Corrections concurs with the code's intent that secure detention should be used as a last resort, only after community alternatives have failed or are inappropriate. Secondly, the Department of Mental Health and Corrections does not endorse short term shock sentences at it's Youth Center. The reason for this is that the Youth Center is a treatment oriented facility whose program is designed for a 4 to 8 month residency. The short term placement only disrupts the established continuity of the program. Additionally, the court ordered diagnostic evaluation as a part of the shock therapy is both time consuming and expensive.

The anticipated impact of the Code by the Department of Mental Health and Corrections, was that there would be a decrease in the population held in secure detention for diagnostic evaluations by 25% over the course of a year. This would be done by allowing the intake workers the

¹ Shock treatment here refers to the idea that if a juvenile gets a taste of MYC he won't want to return.

flexibility and resources to obtain diagnostic evaluations within the community while the juvenile remained at home. To determine whether this has occurred during the first six months of the Code, data was analysed in six month periods of time; three prior to the Code and one after the Code. As illustrated on the following page, the Department of Mental Health and Correction's prediction of a 25% decrease over the course of a year has been met. The costs of the diagnostic evaluations within the community is approximately \$100.00 each. The Department of Mental Health and Corrections for sees the need, if the decrease at the Youth Center is to continue, to purchase approximately 100 evaluations a year.

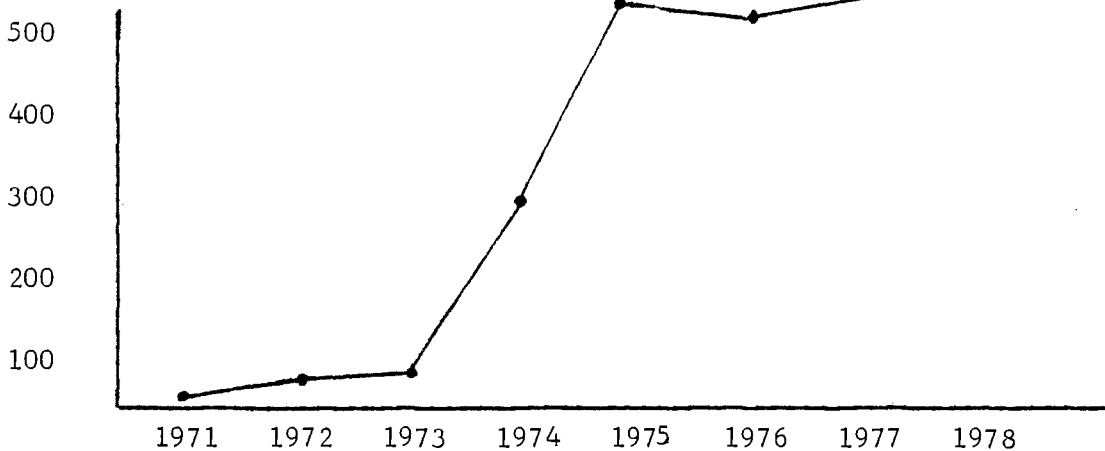


Number of Juveniles Detained at MYC for Diagnostic - Evaluations

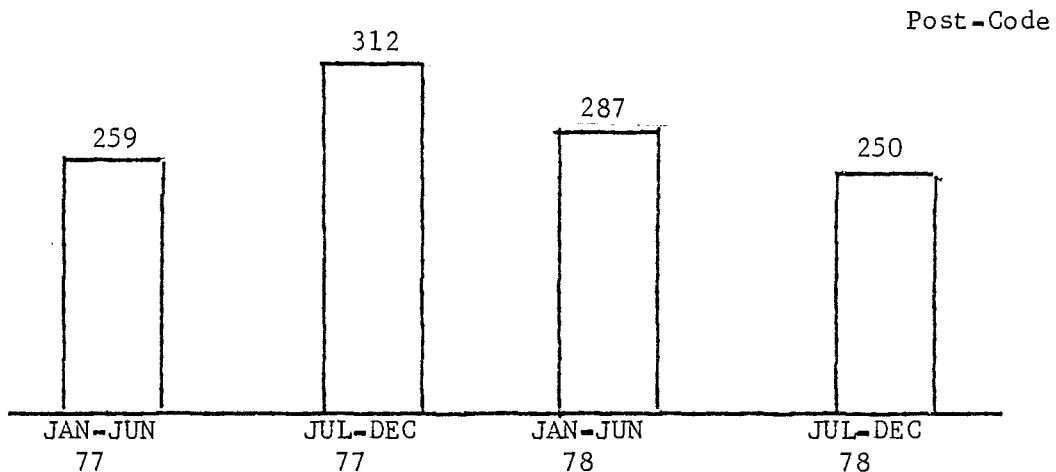
Post-Code - 25.6% Decrease

Detentions at the Maine Youth Center Hold for Courts

Consistent with the problem of increasing diagnostic evaluations at the Maine Youth Center is a similar increasing population of "Hold for Courts" (See chart below).



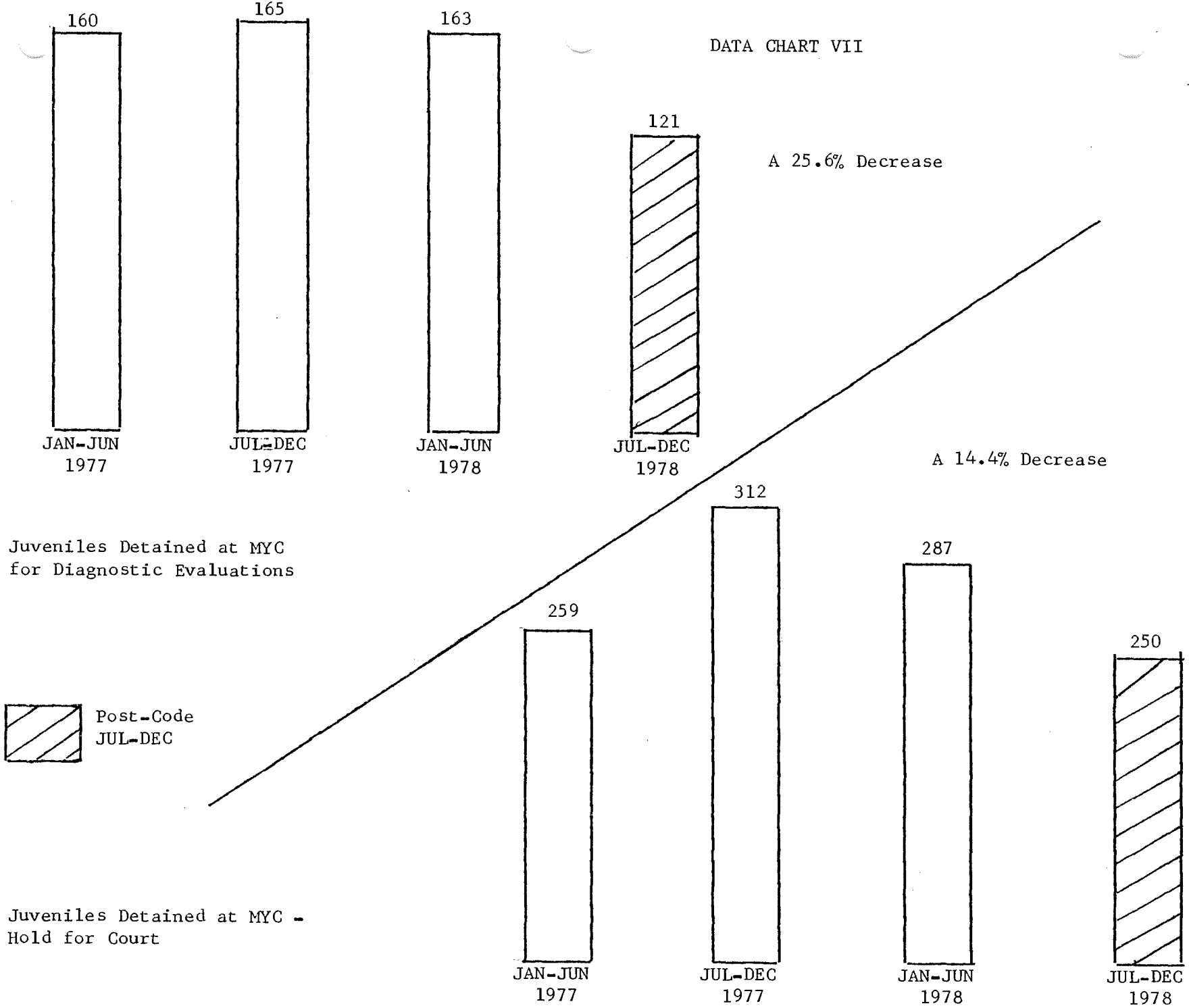
"Hold for Court" are juveniles who have charges pending and are being detained until court appearance. Approximately half of these juveniles will not be sentenced back to the Youth Center which legitimately raises the question of the appropriateness of many of these detentions. The Department of Mental Health and Corrections was hopeful that there would be a gradual reduction of this population as both alternative detention facilities and conditional releases were developed. Again, to measure any changes since the Juvenile Code, three six month periods prior to the code were compared with the six months after the Code effective date. The data indicates, (shown below) that a gradual reduction does appear to be occurring.



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

However, the Department of Mental Health and Corrections is encouraged by the first six months of data on both the Hold for Courts and the Diagnostic Evaluations at the Maine Youth Center. The overall picture, illustrated on the following page, clearly demonstrates that there has been progress in the deinstitutionalization of juveniles and a reshifting to the most natural setting philosophy.

DATA CHART VII



35

Juveniles Detained at MYC for Diagnostic Evaluations

Post-Code JUL-DEC

Juveniles Detained at MYC - Hold for Court

DATA ANALYSIS
SECTION III

CODE IMPACT DIVERSION

DIVERSION

Referrals to Intake

As discussed in the preceding section, the Juvenile Code mandates police officers to refer all juveniles against whom court proceedings should be commenced, or who the officer feels should be detained prior to a hearing, to an intake worker. The intake worker is then responsible for determining if detention is required based on information provided by the police officer.

Once the initial decision of detention is made, the next step in the process is the decision to take the juvenile to court or divert the juvenile in some other way. The Department construes this point in the system, and the specific criteria and alternatives within the code, as the critical element of the Maine Juvenile Code. It is at this point where equity and creativity become paramount as well as the potential for abuse.

There are two general hypothesis which have been debated over the past several years concerning the juvenile justice system. The first is that the justice system, indeed almost any system, has a built-in bias against the under educated, poorer and broken-home child. Arguments have ranged from "they commit most crimes" to "the system imposes its middle class values". The only historical data that existed which separated the issue that a disproportionate number of poorer, under educated, broken-home children end up at the Youth Center, came from the Children and Youth Services Planning Project, February 1977. Within that report the following findings were displayed:

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

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

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

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

87% - emotionally disturbed.

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

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

Six months data (see chart below) from the intake worker system (and it is imperative that the reader understand that this data is only inferential) indicate that there is a fairly representative sample of family incomes among juveniles being arrested and referred to the intake worker for committing crimes.

<u>Family Income</u>	<u>Referrals to Intake</u>	<u>State Totals</u>
Under \$5,000	20%	12.5%
\$5,000 - \$10,000	29%	27%
\$10,000 - \$15,000	22%	26%
\$15,000 - \$20,000	14%	17%
Over \$20,000	14%	17.5%

The initial indicators from this data are that only a slightly disproportionate number of poor family juveniles are entering the system. Perhaps the most startling indication from this data is the sizable shift in family income in the State of Maine over the past few years.

There was a similar finding concerning family composition: that was, that slightly disproportionate numbers of juveniles from single parent homes were arrested and referred to the intake workers as shown below, yet considerably lower than the percentage who were profiled at MYC:

	<u>Referred to Intake</u>	<u>State Total</u>	At ¹ <u>MYC</u>
Juveniles living with both parents	68%	80%	40%
Juveniles living with one parent	29%	17%	60%
Other	3%	3%	0%

Educationally, the average age of the client referred to intake workers was 15 years old and the average educational level was the 9th grade. This is approximately what the average state total is in the current educational system.

In summary, all three sets of data (initial indicators only) show that a fairly representative sample of income, education and family composition exists among juveniles being both arrested and referred to the intake workers.

¹ GYSPP - February 1978.

The next questions of critical importance are: what did the intake worker do with these juveniles, given the options of the code; and most importantly, are there inequities in the decisions of whether or not to prosecute? Under the Juvenile Code, the intake worker may do three things with a juvenile referred for a petition to court.

First, the intake worker may dismiss the case and/or refer the juvenile to an appropriate community service.

Second, the intake worker may place the juvenile on "informal adjustment", which is a joint contract between the worker and the client/parents, for a specified period of time. Under informal adjustment, counseling, participation in programs, schools and restitution are usual conditions.

Finally, the intake worker may recommend that a petition be filed and the juvenile taken to court.

Using the same criteria, family income and family composition, the decision of the intake workers were analyzed as shown on the following tables:

FAMILY COMPOSITION

	<u>Juveniles with both parents</u>		<u>Juvenile with one parent</u>	
	#	%	#	%
No further action	60	13%	25	14%
Informal Adjustment	297	64%	111	63%
Petitioned to Court	<u>109</u>	<u>23%</u>	<u>39</u>	<u>23%</u>
Totals	466	100%	175	100%

FAMILY INCOME

	<u>Under \$5,000</u>		<u>\$5,000-10,000</u>		<u>\$10,000-15,000</u>		<u>\$15,000-20,000</u>		<u>Over 20,000</u>	
	#	%	#	%	#	%	#	%	#	%
No further action	11	13	12	9	13	13	4	5	9	13
Informal Adjustment	58	69	106	76	62	64	52	74	51	71
Petitioned to Court	<u>15</u>	<u>18</u>	<u>21</u>	<u>15</u>	<u>22</u>	<u>23</u>	<u>14</u>	<u>17</u>	<u>12</u>	<u>12</u>
Totals	84	100	139	100	97	100	70	100	72	100

Again, there appear to be no significant differences between the decisions of the intake workers to send a juvenile to court and the juvenile's family composition or the juvenile's family income. Thus, the early indicators are that equity in the decision making process by the intake workers is occurring.

The second hypothesis which the system has been debating is the issue of diversion. Discussions here include "at what point does diversion exist", "diversion alone doesn't work", "there must be diversion to some things", and "diversion is a way for the juvenile to avoid responsibility".

The Juvenile Code mandates that diversion occur, primarily through the two alternatives that are available to the intake worker: "no further action" and "informal adjustment." The no further action (a dismissal) was seldomly used by the intake workers (13% of the total cases) and only in very minor offenses. The informal adjustment option, however, was used (40% of the cases) by the intake workers.

These informal adjustments were effected in three principle ways. First, the intake worker, through a needs assessment, acted as a broker/advocate for services within the community. Under this program, the juvenile is referred to other services, primarily counseling, while still under the supervision of the worker. Second, the intake worker may counsel/work with the juvenile themselves. Under this program there is both intensive contact and supervision by the intake worker. Third, the intake worker may order work or monetary restitution.

Since many of these clients are still on informal adjustment, it is impossible to determine any effect or document any results of the service referral or counseling at this time. However, the Department Of Mental Health and Corrections can document some tangible and successful results of the restitution that has been recommended.

Restitution

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

Since July 1, 1978, 311 juveniles have participated in restitution programs throughout the State and have returned \$11,819.70 to victims. As time progresses and these programs become more refined, the Department of Mental Health and Corrections expects this figure to more than triple in the course of a year.

In addition to monetary restitution, Intake Workers have pursued forms of work restitution in which, to date, 131 juveniles have participated and provided 1,678 hours of public service.

In Bridgton, for example, with the assistance of Project HOLD, juveniles on informal adjustment have been involved in work projects such as, painting the District Court House, delivering wood to the elderly and building ramps for individuals confined to wheelchairs. This program has provided a valuable community service, but also has developed a sense of accomplishment and responsibility for the youths involved.

The Restitution Alternative and the Department of Mental Health and Corrections have developed referral agreements and will be working together in Cumberland and York counties. The referrals pertain to Informal Adjustments and Juvenile Probation cases.

Additionally, the Department of Mental Health and Corrections has developed a contract with Camp Susan Curtis where juveniles on informal adjustment are placed in a structured, outdoor camping, activity program.

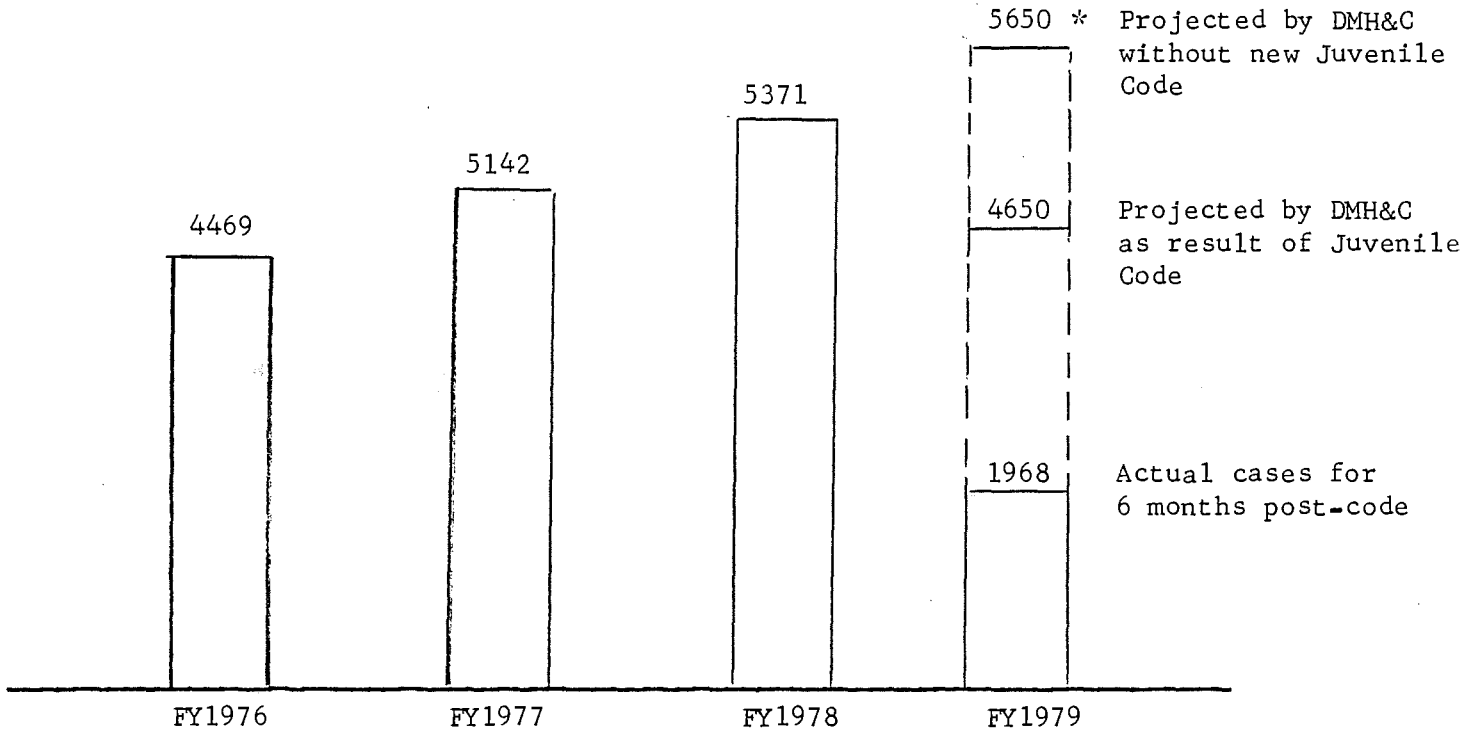
The Department has also been involved in reviewing the success of Outward Bound type programs for delinquent juveniles in other states. The success rate has been outstanding, and the Department is currently pursuing the possibility of establishing a similar program within the state.

DATA ANALYSIS
SECTION IV

CODE IMPACT COURT

Juvenile's Appearances in Court

The number of juveniles who have been petitioned to court over the past three years has been keeping pace with rising juvenile arrest rates. As seen below, the increase has been constant and projections for fiscal year 1979 would be around 5,650 cases without the new Juvenile Code



Because of the code however, the Department of Mental Health and Corrections recalculated the expected case loads and projected that approximately 1,000 cases would be reduced from the court dockets. The projected case decrease would be primarily restitutionable offenses; i.e. burglary, theft, larceny and other crimes where a juvenile could pay the victim back. It was (and is) felt by the Department that attempts at keeping the victim "whole"¹ through work and in many cases cash payment is an important part of the treatment process necessary in criminal acts. The Department believes that the expense of taking a juvenile to court, when other supervised alternatives such as restitution exists, is not the best solution to the State, the victim and the offender.

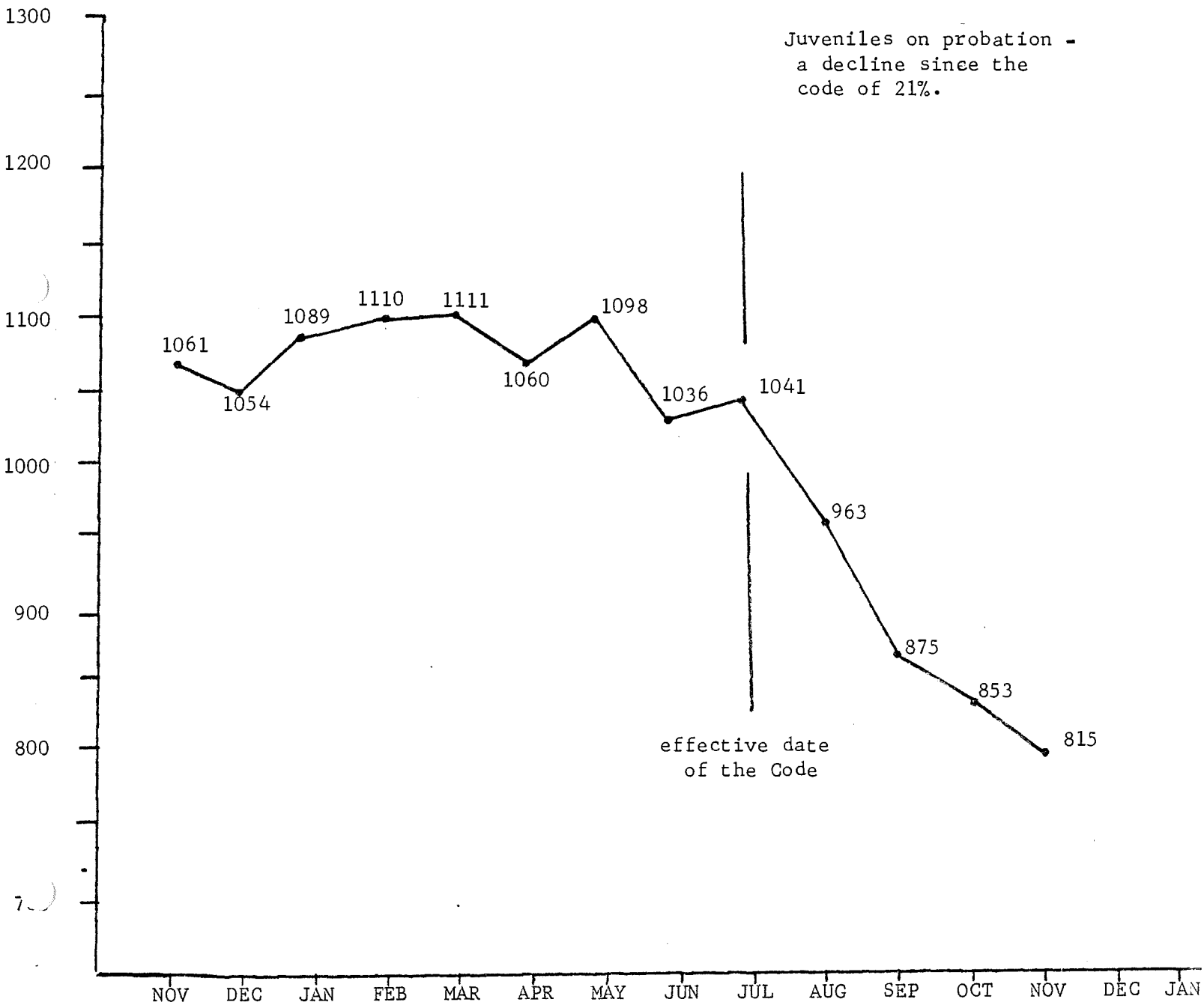
Since studies show that the cost of processing a juvenile through the courts ranges from \$170 to \$200 per case, the Department feels this reduction in case loads will save the District Courts in Maine not only time, but expense as well. It should allow for speedier hearings for cases petitioned to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

¹ Restitution projects use the word "whole" to refer to the fact that if victimized by a criminal act, part of the victim has been taken away (usually through the loss of a possession). Whole means the restitution of that part, back to the victim.

The actual reduction that has occurred during the first six months of code operations has already had an affect on the sentencing patterns of the judges. This is particularly demonstrated in the probation case loads.

Impact of Juvenile Code on Probation

In April of 1978, the Department reviewed juvenile probation case loads sampled over a period of one year. At that time approximately 10% of probationers were "continued day to day for 3 months or less." These juveniles were all adjudicated with minor offenses, primarily shoplifting of small items. Since one of the purposes of the Juvenile Code is to divert cases from the court (and in this case subsequent probation) which can better be served in some other program, the Department projected a 10% decrease in juvenile probation. The benefit of this decrease would serve to illiminate the expense of court time for these juveniles as well as free up probation officer time to work with more appropriate cases. Data was measured on a monthly bases, 8 months prior to the code and four months after the code's effective date of July 1978. As shown on the next page, there has been a 21% decrease in cases since July, with an overall average decrease of 18%.



ADMINISTRATIVE REQUIREMENTS

ADMINISTRATIVE REQUIREMENTS

Detention Hearings

As mandated by the Code, if an intake worker orders a juvenile detained, a petition must be filed to the court within 24 hours for a review of the detention. The court on the other hand must hold the detention hearing within 48 hours following the placement. It is felt by the Department that this is an effective process, one which judicially holds the intake worker accountable for all detention decisions and protects to a certain extent the rights of juveniles.

Some aspects of the detention hearing however, have surfaced as a problem for both the intake worker and the judge. There is no process described within the code as to how the proceedings should be conducted and consequently, detention hearings are not standardized. Through extensive surveys and interviews, the Department of Mental Health and Corrections has identified three different processes that happen during detention hearings.

The first type of hearing identified is conducted with the intake worker acting as a District Attorney. During this type of proceeding, the intake worker conducts the hearing, with the judge asking questions about the justified criteria for detention. The intake worker's role here is one of advocating detention for the State and is in the position of convincing the judge as to the necessity of continued detention.

The second type of hearing is one in which the District Attorney is advocating continued detention and, the intake worker is a witness for the D.A. During this proceeding the D.A. is given charge of the proceedings.

The third type of hearing is one in which the judge is in charge of the hearing, requiring the intake worker and/or the D.A. to justify to the court continued detention.

In all three types listed above, depending upon the judge, there are additional discrepancies within the hearings. Some judges require the arresting police officer to be present, sometimes juveniles are not represented by counsel, some judges require the intake worker and/or D.A. to present the pending charges against the juvenile and in one court, the intake worker who authorized the initial detention must be present. The problem with the last requirement by a judge is that during duty week (one intake worker is on call at night covering the state) an intake worker in Portland may authorize a detention in Ellsworth. Rather than allowing the intake worker in Ellsworth to, on the next morning, present the detention case from contact with the Portland intake worker, the judge requires the Portland intake worker to personally appear. This is an unworkable situation because the Duty Worker may order seven detentions during a weekend and it would be impossible to be in seven different places on Monday; locations that could range from Sanford to Caribou.

The Department believes that detention hearings should be standardized, that juveniles should be represented by either a parent, guardian or counsel, that proceedings should be recorded, that alleged offenses should not be introduced and if at all possible, the District Attorney should represent the State, advocating for continued detention. A procedural recommendation as to how detention hearings should be conducted will be drafted by the Department of Mental Health and Corrections for submission to the Chief Judge of the District Court and the Maine Bar Association. Over the next few months it is anticipated that a standardized process will be agreed upon and implemented.

Structure for Appeals

Previous sections of this plan discuss the intent of the code to provide services to the juveniles for whom the intake workers and other units of the Department are responsible. To guarantee the provision of appropriate services to all parties, the code mandates an administrative appeals process apart from the judicial appeals process outlined in Section 3401.

Specifically, Title 34, Subsection 262, Paragraph 4, states:

"Appeals. The Department shall provide structure for appeals, fair hearings and a review of grievances by children and their parents, guardian, or legal custodian regarding provision of services for which the Department of Mental Health and Corrections has been given responsibility under this chapter, including, but not limited to protecting the rights of individuals to appeal from denials of or exclusion from the services to which they are entitled, actions that preclude the individual's right of choice to specific programs, or actions that force involuntary participation in a service program."

The Director of Corrections has appointed a committee to develop a proposed appeals structure. At this writing a draft format for grievance procedures pertaining to juveniles on informal adjustment, probation, or committed to the Maine Youth Center has been completed. It is currently being reviewed by the Attorney General's Office to determine if the procedures come under the Administrative Procedures Act. After this review, the Department will take the necessary steps to implement the process, thereby assuring the provision of appropriate services to clients referred under the Juvenile Code.

Volunteers

Volunteers are an important segment of Juvenile Corrections. The Junior League has provided an extremely valuable service at the Maine Youth Center, and to a more limited extent with Juvenile Probation.

At this time Juvenile Intake has not fully developed a comprehensive volunteer program although some Intake Workers have matched volunteers with Informal Adjustment cases.

The Intake Program would like to involve volunteers in several areas:

1. One to one match-ups with Informal Adjustment clients.
(Big Brother, Big Sister type relationships)
2. Transportation of clients to certain programs.
3. Supervision of work or monetary restitution.
4. Supportive Services to the Unit.

When the Department's Volunteer Co-ordinator vacancy is filled, it is planned that a prime objective of the position will be to involve community volunteers with the Juvenile Intake Program.

Six and Twelve Month Reviews

Two separate sections of the Code mandate a review of both the juveniles placed in the Department's care and the services provided to them.

Title 34, § 266, Sub 3 states:

"A director of a facility or program operated by the Department of Mental Health and Corrections or a facility or program with which the department contracts for services shall:

3. Evaluations. Secure a careful and thorough evaluation of every juvenile placed under his care at intervals no greater than 6 months, such evaluation to ascertain whether the juvenile should be released, whether his program should be modified or whether his transfer to another facility should be recommended. "

Informal adjustments cannot exceed six months. This section, therefore, pertain only to Juvenile Probationers and MYC clients with sentences greater than six months.

The Department has complied with this requirement through a memo from the Director of the Bureau of Corrections to the Superintendent of the Maine Youth Center and the Director of Probation and Parole. Reviews are currently being conducted for both populations.

Title 15, subsection 3315, states:

"Right to Review. Every disposition pursuant to Section 3314, other than unconditional discharge and every disposition made pursuant to the law in effect prior to July 1, 1978 shall be reviewed not less than once in every 12 months until the juvenile is discharged. The review shall be made by a representative of the Department of Mental Health and Corrections unless the juvenile was committed to the Department of Human Services, in which case such review shall be made by a representative of the Department of Human Services."

The report must contain: a description of services provided during the preceding twelve months and the results of those services; a plan for service provision for the next year; a statement showing that the plan represents the least restrictive alternative for service provision; and, a certification that the planned services will be available and provided. This report must be in writing and copies must be sent to the juvenile's parents, the programs reviewed and the reviewing Department.

Because of the comprehensive nature of this report, a committee was appointed to develop procedures. The committee has completed draft procedures which have been approved by the Director of the Bureau of Corrections. This draft, along with a draft appeals structure discussed elsewhere in this section are currently being reviewed by the Attorney General's Office. Following this review, which will determine if the mandate applies to probationers with less than twelve months probation and if

the procedures come under the Administrative Procedures Act, they will be finalized and implemented. This will place the Department in compliance with both requirements by July 1, 1979.

Emergency Shelters and Departmental Contracts:

The statistical analysis of the Intake System has clearly identified a need for additional emergency shelters in specific areas. Additionally, through questionnaires and conferences with Intake Workers and other social service workers, it has become evident that the Department is not receiving optimum service response from existing Emergency Shelters.

If the Department is to fully pursue the philosophy of "least restrictive placement" more emergency shelters are needed. During the first six months of the Juvenile Code, 80% or 230 Juveniles detained in County Jails were placed there because a suitable individual could not be located to release them to. In many of these cases an Emergency Shelter would have been a more appropriate placement than a County Jail.

The following outlines Emergency Shelter needs by Prosecutorial Districts:

I. York County - There are no Emergency Shelters. Juveniles as far away as Kittery have to be transported to Portland. There is an identifiable need for emergency placement in this area.

II. Cumberland County - The Department currently utilizes the Little Brothers Emergency Shelter in Portland. This facility has not been used to its full potential because of their concern as to whether or not an Intake Worker could make an emergency placement without the "consent" of the Department of Human Services.

For this reason, some juveniles who could have been appropriately placed in a Shelter have been placed in the County Jail or Maine Youth Center.

To follow the "least restrictive doctrine" it is estimated that six full time beds would be required in Cumberland County.

Fair Harbor is available for Female Juveniles, but the "Consent" issue has hampered placements there also.

III. Androscoggin, Oxford, Franklin - The Department currently has one bed allotted at Family Advocacy Council, in Auburn, and has made some emergency placements at Rumford Boy's Home.

These facilities are not adequate for the area and population, and often a juvenile in need of placement has to be transported to Portland.

It is projected that two full time beds are required in the Lewiston, Auburn area, and one in Oxford and Franklin Counties.

It is hoped with the openings of New Beginnings, tentatively set for July, 1979, the lack of placements in the area will be alleviated to some extent.

- IV. Knox, Waldo, Lincoln, Sagadahoc - There are long term-placement facilities in this area. The Department will pursue developing contracts with these facilities for emergency placements.

- V. Washington, Hancock - There are no emergency shelters in this district. There does not appear to be a need for a full time shelter in this area. The Department should continue to develop some foster homes which could be utilized for Emergency placement.

- VI. Kennebec, Somerset - This area is being served by Halcyon House which fulfills the need for emergency placements in the area. The demonstrable success of having an emergency shelter can be reflected by the low detention rate in this area.

- VII. Penobscot, Piscataquis - The Department has contracts with the YWCA and Atrium House for Emergency placements. The Department will continue to review these contracts during the upcoming year to determine if the appropriate service is being provided, and whether or not there is a need for additional services.

- VIII. Aroostook - Christian Hill is currently accepting some emergency placements in the area although no contract has been established with them. Christian Hill has provided an outstanding service to Juveniles in the area and the Department hopes to negotiate a contract for emergency placements during the upcoming year.

In summary, the Department of Mental Health and Corrections has identified Emergency Shelter care as an area that is in need of improvement.

The Department does not feel that Juveniles in need of emergency placement are being provided the appropriate service through some existing Shelters. If the quality or service does not improve it may become necessary to withdraw certain contracts.

The Department will review it's methods of purchase of service and determine if more specific contracts could result in a higher quality of service. This review should be in conjunction with MCJPAA who award grants to the same services.

Additionally the Department plans to develop mechanisms to more closely monitor the provision of services from current contracts.

Another option being considered is having the Department of Mental Health and Corrections develop their own Emergency Shelters in project areas if appropriate Shelters can not be developed through purchase of services.

The Department will conduct, over the course of the next few months, an in depth evaluation and will report back to the legislature both it's findings and recommendations concerning emergency shelters.

Juvenile Information

A. Standardized Data Base

Section 3005 assumes that all forms and reporting formats, other than court forms, necessary to fulfill the mandates of the code will be standardized within the Department of Mental Health and Corrections. Different functions performed by Juvenile Intake, Probation and the Maine Youth Center preclude complete forms standardization. However, a standardized data base is necessary to provide complete information on the juvenile population affected by the code and served by the Department.

The Department began to develop this standardized data base in the spring of 1978. At that time, staff from the Corrections Management Information System (CMIS) project helped design the Intake Screening Log to be used by Department of Human Services emergency services staff and the forms to be used by the juvenile intake workers. This same staff then re-designed Youth Center forms with the intake process in mind. Both duty sheet and the preliminary investigation forms completed by the intake worker record information that is compatible with data collected at the Maine Youth Center. By spring of 1979, data collected and forms used within the Division of Probation and Parole for the juvenile population will be standardized as much as possible with the other areas of juvenile corrections. This data will: 1) give Intake, Probation and MYC comparable information on clients which will help to eliminate unnecessary duplication of data collection effort and enhance service provision; and, 2) form the base for evaluating the Code, planning modifications to existing programs, policies and procedures, and developing new services.

B. Information Sharing

1. Intra-departmental

The agency receiving legal custody for the juvenile is authorized to inspect and receive intake worker's records, probation officer's records and clinical and social studies under sections 3308 and 3316. To facilitate the data collection process at the Maine Youth Center and the Division of Probation and Parole the Department should institute a process whereby certain intake forms are transmitted to other receiving units upon receipt of the juvenile and request by the unit. This process should extend to sharing of information on probation violators between the Division and the Maine Youth Center. Greater availability of standardized data already collected about the youth will provide more timely information to the service unit and enhance service delivery.

2. Inter-departmental/inter-agency

Since the spring of 1978, the Department has been developing a policy and procedures for the privacy and security of information collected about juvenile offenders under the mandates of the Code. It is currently in a draft stage. This process should continue and a comprehensive policy for access to juvenile information collected and

maintained by the intake workers, the Division of Probation and Parole and the Maine Youth Center should be finalized. This policy should include provisions for client and other agency access and limit further dissemination by a receiving agency. Such a policy for information sharing will assist all agencies involved with the juvenile and help to accomplish the purposes set forth in the Code.

SUMMARY

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The infancy of the code precludes the Department of Mental Health and Corrections from being able to make, at this time, any statements as to success or failure. The initial results in various areas of the juvenile justice system are both encouraging and discouraging. It is hoped that this report will serve two purposes. First, the report establishes a data base which, over the course of time, will be able to inform the citizens of Maine the efficacy of the juvenile justice system. Second, the report will act as a spring board for a more detailed examination of issues, particularly in such areas as the quality and the coordination of services. The examination of these issues will be done with law enforcement, judiciary, legislature, and community members of the State of Maine. For now, the Department hopes that this report will stimulate thought and reaction to its contents and we look forward to any comments people may have .