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REPORT TO THE GOVERNOR

1985

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JJAG MEMBERS

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Commissioner of Corrections, Donald Allen,
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Commissioner of Education and Cultural Services,
Robert Boose, represented by Betty McLaughlin
Commissioner of Mental Health and Mental Retardation,
Kevin Concannon, represented by Gary Sawyer
Commissioner of Human Services, Michael Petit,
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JJAG ACTIVITIES IN FISCAL YEAR 1985

INTRODUCTION

Maine has made substantial progress in implementing its plan in FY 1985, both through programs initiated with FY 1984 Juvenile Justice and Delinquency Prevention funds and through cooperative, no-cost activities with other agencies involved in juvenile services. This report describes the activities of the JJAG from October 1, 1984, to September 30, 1985, summarizes proposed JJAG activities for the current fiscal year, and sets out the JJAG's recommendations for legislative action in the current session. It also contains a section, titled "Removing Juveniles from Jails", to provide a more specific treatment of this major JJAG initiative than would otherwise be provided in a summary document.

YOUTH ADVOCACY

1. The JJAG, in its planning and coordination efforts, continued its youth advocacy activities, not only through support for the Jail Monitoring project, which carries advocacy mandates, but also by supporting or opposing, as appropriate, through its Legislative Committee, youth-focused legislation.

A major activity of both the Jail Monitoring and the Legislative Committees was the drafting and presentation of the JJAG's own bill, L.D. 1069, AN ACT to Amend and Clarify the Maine Juvenile Code, which will do much to facilitate the removal of juveniles from adult-serving jails. The JJAG is grateful for the support it received for this measure from you and the State's youth-serving agencies.

2. Advocacy efforts of the JJAG's Legislative Committee on behalf of several bills were especially well-organized and successful. In addition to the previously cited JJAG bill, the Committee testified on behalf of a series of bills concerned with alcoholism services and measures dealing with implementation of the recommendations of the Concannon Commission. Other notable efforts of the Committee supported enactment of a bill to create a Children's Trust Fund, a bill to provide adequate support services for Community Child Abuse and Neglect Councils, a bill to provide for

multi-disciplinary teams in regional hospitals to assess and develop plans in cases in which child abuse is suspected, a bill to mandate law enforcement agencies to provide reports of missing children to the National Crime Information Center (NCIC) system, and a bill which would lower the standard for admissibility of video-taped testimony in criminal cases in which a child is a victim. A copy of the Report of the Legislative Committee is enclosed.

In addition, the JJAG and its Legislative and Violent and Chronic Youthful Offenders Committee strongly endorsed L.D. 1454, a bill which established a planning position within the Department of Corrections to support continuation of the research of the Concannon Commission, provided funds to create a program for violent offenders and sex offenders at the Maine Youth Center, and restored resources (which had been lost during previous years of constricting budgets) to the Center's unit for emotionally disturbed offenders. The major disappointment of the session was failure of enactment of L.D. 1284, commonly known as the "Residency Bill", which would have resolved many problems associated with administration of and financial responsibility for placement of youth with special education needs, especially those youth for whom educational issues are related to acting-out-behavior.

3. The JJAG continued to participate in inter-departmental efforts to expand and improve services available to Maine's youth. These efforts included participation in the Community Services Task Group of the Inter-departmental Coordination Committee (IDC), the Planning Committee and the Planning and State Conference Planning Committees of the Office of Alcohol and Drug Abuse Prevention (OADAP), and responding to requests for information from various groups.

In its comments on both the interim and final reports of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (known as the Concannon Commission), the JJAG expressed its endorsement of the Commission's fourth recommendation* which suggests that the State's four youth-serving departments "explore ... a centralized referral/ombudsman system to be administered by the Inter-departmental Committee which will coordinate existing case management systems and serve as a clearinghouse for those children for whom coordination of services is problematic". That recommendation is being implemented administratively through the Inter-departmental Committee.

*(See, Report of the Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs, Recommendation 4, page 45, January 1985, hereinafter, Report.

Although the ombudsman system is not the mechanism contemplated by the JJAG for a centralized, visible responsibility for the resolution of specialized children's issues, the JJAG endorses and will monitor the effectiveness of this option. Moreover, the 112th Legislature continued the Commission, itself. The JJAG will monitor and respond to Commission activities for their implications for promotion of the JJAG's youth advocacy objectives.

4. In the spring of 1985, the Jail Monitoring Committee sponsored a conference on Juveniles in Jail for sheriffs, county commissioners, and youth workers. The conference provided visibility to the problems juveniles experience in jails and served as a forum for discussion of jail removal issues from a "Maine perspective".
5. The JJAG published its second brochure. This pamphlet describes the mission and activities of the JJAG Jail Monitoring Committee and sets out the rationale for removing juveniles from facilities which also serve adults.

REMOVE JUVENILES FROM JAILS

1. The JJAG's Jail Monitoring Committee continued to assume primary responsibility for the Juvenile Jail Removal initiative. The Committee has provided the impetus for the development of two pilot projects which will test non-secure, community-based alternatives to the jails in Kennebec, Sagadahoc, and Androscoggin Counties and in Cumberland and York Counties.
2. To comply with the Juvenile Justice and Delinquency Prevention Act, the JJAG, as previously noted, submitted to the 112th Legislature a bill to facilitate the removal of juveniles from all jails and lockups, which also serve adults.
3. The Jail Monitoring Committee, by soliciting representation from the Maine Sheriffs' Association, continues to involve the sheriffs in planning and implementation efforts to remove juveniles from adult jails and lockups. In response to concerns of some sheriffs, the JJAG created the Secure Detention Task Force to reassess the detention issue and develop recommendations, which will permit secure confinement of those juveniles who require such restriction in a manner which is both reasonable and feasible for the State and which will permit compliance with the Juvenile Justice and Delinquency Prevention Act.
4. The Inter-departmental Coordinating Committee (IDC - Commissioners of Corrections, Mental Health and Mental Retarda-

tion, Human Services, and Education and Cultural Services) reconstituted its Group Home Evaluation Task Force (composed of representatives of the four departments, IDC staff, and the JJAG's Juvenile Justice Specialist) as the Community Care Task Group. This Task Group continued to evaluate the operations of and need for various community-based services for youth. Its reports, and an earlier survey by the Jail Monitoring Committee of the group homes and shelters to ascertain which of the group homes and shelters could modify their facilities/programs to serve detainees, inferentially, identify what resources must still be developed to permit jail removal. These survey data provided the information upon which the JJAG's bill, L.D. 1069, was based.

5. The JJAG continues to support, primarily through advocacy efforts and training grants, the efforts of the Bureau of Children's Services (Department of Mental Health and Mental Retardation) to provide, through the Home-Builders-type programs, crisis-intervention services to youth who exhibit varying symptoms of violence.

RESIDENTIAL AND NON-RESIDENTIAL SENTENCING ALTERNATIVES FOR JUVENILES

1. As previously noted, the Community Care Task Group of the IDC, which includes JJAG representation, continued to assess existing community-based residential services for their responsiveness to the needs of youth, including youth who are clients of the Department of Corrections.
2. Violent offenses, or offenses against persons, are increasing, but Maine's "problem offenders" are chronic offenders and/or youth-in-crisis. For this reason, the JJAG has supported, since 1979, the "Homebuilders-type" programs which provide services to youth and families in crisis, without regard to what, if any, offense is charged.
3. In January of 1984, the JJAG constituted its Violent and Chronic Youthful Offender Committee to examine issues associated with the effective management of these most troublesome and resistive offenders. Committee members (who include State legislators, adult and juvenile corrections officers, and staff from community youth-services agencies, as well as representatives from the JJAG) have been concentrating their attention on those juveniles who have been the subject of a petition for bind-over to Superior Court and juveniles in special treatment programs at the Maine Youth Center. The Committee actively supported legislation on behalf of offenders with special needs in the first session of the 112th Legislature and will monitor implementation of a specialized Maine Youth Center program for violent sex offenders approved by that body.

TRAINING FOR JUVENILE JUSTICE SYSTEM PERSONNEL

1. The JJAG has supported training from its administrative funds and from Maine's Juvenile Justice and Delinquency Prevention Program funds for these (among other) training efforts in FY 1985:
 - Child Abuse Investigation, Maine Criminal Justice Academy (50 participants). Provided specialized training on a multi-disciplinary approach to investigation of child abuse. Trainees included law enforcement officers, social workers, and others involved in the response to abuse.
 - Reauthorization and Monitoring Conference (4 participants, JJAG Chairman, Juvenile Specialist, Jail Monitoring Committee staff, and State Jail Inspector). Provided opportunity to examine federal regulations treating the jail removal requirement of the Act, as reauthorized, and the applicability of the requirements to Maine jails.
 - Jail Removal, Michigan Experience. Permitted site visit for Director of pilot jail removal project to Michigan jail alternatives projects.
 - Major Issues in Juvenile Detention (National Conference of Juvenile and Family Court Judges). Provided Manager of Juvenile Services of the Bureau of Probation and Parole the opportunity to explore current issues related to the detention of juveniles and the management of specialized institutional populations.
 - Juveniles in Jail Conference (JJAG Jail Monitoring Committee). Permitted participants, including sheriffs, county commissioners, law enforcement and corrections personnel, as well as JJAG members, to explore applicability of jail removal requirements to Maine demographics and resources.
 - National State Advisory Group Conference (9 participants - 7 JJAG members and the Juvenile Specialist and Jail Monitoring Committee staff). Focused on removing juveniles from adult jails, violent offenders, model programs, and legislative issues. The JJAG, through the involvement of its Chairman, assisted in planning for and presenting the conference, as well.

PREVENTION OF JUVENILE DELINQUENCY

1. Although the bulk of the JJAG's resources in the past year were directed at activities to facilitate removal of juveniles from adult jails, the JJAG continued its cooperation with the Delinquency Prevention Task Force of the United Way of Greater Portland which culminated in a community delinquency prevention plan. The Cumberland County Child Abuse and Neglect Council, in another cooperative effort, will undertake oversight for implementation of that plan for the United Way.
2. The JJAG is also represented on the Advisory Committee on Truants, Dropouts and Alternative Programs created by the Commissioner of Education and Cultural Services. This activity has the JJAG's support not only because delinquents often experience school adjustment or achievement problems but also because truancy is one symptom of failure to adapt socially which may later manifest itself in other undesirable behavior, such as delinquency.

JUVENILE JUSTICE ADVISORY GROUP

1. The JJAG fulfilled its responsibilities, both under Maine law (34-A M.R.S.A. S1209) and the Juvenile Justice and Delinquency Prevention Act, to advise both the Governor and the Federal Government of Maine's juvenile justice needs and to monitor for compliance with Federal requirements.
2. The JJAG continued to support training with action and JJAG administrative funds in FY 1984.
3. The JJAG acted on all applications for Juvenile Justice and Delinquency Prevention funds.
4. In FY 1985, the JJAG participated actively in both the Northeast Coalition and the National Coalition of State Juvenile Justice Advisory Groups. The Northeast Coalition consists of State Advisory Group Chairs and Juvenile Justice Specialists from Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, New Hampshire, Maryland, District of Columbia, and Vermont. The Chair of the Maine JJAG serves as Chair of the Coalition. The National Steering Committee of State Juvenile Justice Advisory

Groups is a national organization representing State Advisory Groups and regional coalitions. The Chair of the JJAG serves as the Chair of the National Steering Committee and the National Coalition. Together, these groups not only provide a mechanism for articulating the concerns of the State Advisory Groups to the Federal government but also ensure Federal responsiveness to local needs. With the 1984 amendments to the Juvenile Justice Act, the State Advisory Groups assume an even greater responsibility. The State Advisory Groups have been assigned responsibility to advise the President, the Congress, and the Office of Juvenile Justice and Delinquency Prevention on the issues related to the treatment and prevention of delinquency. This new status results from an increasing recognition by Congress of the importance of the involvement of the States in improving the quality of justice for juveniles and the value of their experience with these issues.

5. Maine, again, fully complied with the mandates of the Act and will receive \$225,000 for continuation of the Juvenile Justice and Delinquency Prevention Program for FY 1986.
6. The JJAG, since the spring of 1984, has been working to develop a program to call the attention of middle school students to the problems of child abuse and to instruct them how to get help for themselves, or a friend, who may have such a problem. The production will be televised by the Maine Public Broadcasting Network (MPBN) during school hours in 1986.

SUMMARY OF JUVENILE JUSTICE PROJECTS FOR 1985

TITLE	LOCATION	DESCRIPTION	AMOUNT
Little Brothers Association, Emergency Foster Care	Portland	EXPANSION - emergency foster care for males and females in York County.	\$ 19,000
Diocesan Human Relations Services, Emergency Foster Care	Penobscot and adjacent Counties	CONTINUATION - emergency foster care for males and females.	\$ 14,000
Youth and Family Services, Court & Community Evaluations	Somerset, Kennebec, Penobscot Counties	CONTINUATION - diagnostic evaluations for adjudicated delinquents in the facility, in their homes, or other facilities. Provides an alternative to the Maine Youth Center for such evaluations.	\$ 12,500
JJAG, Jail Monitoring Project	Augusta-based, serves entire State	CONTINUATION - monitors jails for compliance with State and Federal laws. Plans for the removal of all juveniles from jails.	\$ 37,000
Juvenile Community Services, Inc.*	Androscoggin, Kennebec, Sagadahoc Counties	PILOT, juvenile jail removal and alternative services project.	\$ 80,000

*This project has been terminated and replacement projects have been solicited.

PRIMARY JJAG INITIATIVE, 1985-1987

REMOVING JUVENILES FROM JAILS

The Jail Monitoring Committee (JMC) consists of members of the Juvenile Justice Advisory Group (JJAG), law enforcement and correctional officers, juvenile caseworkers, and representatives of the public and private youth-serving agencies. Its primary responsibility is to monitor the jails and lockups for compliance with the Federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Compliance requires:

Deinstitutionalization of status offenders;

Sight and sound separation of juvenile offenders from adults in the same facility; and, ultimately,

Removal of juveniles from jails and lockups which also serve adults.

In addition, the JJAG has directed the Committee to:

Examine the prevalence of requests for diagnostic evaluations and the number and quality of such evaluations performed in the community, as compared with those performed at the Maine Youth Center,

Promote and evaluate alternatives to the secure incarceration of juveniles,

Foster public, legislative, and judicial awareness of the issues and process involved in jail removal, and

Advocate for enactment of the JJAG's Jail Removal Bill.

WHY REMOVE JUVENILES FROM JAILS?

Arguments for removing juveniles from adult-serving facilities fall into two categories, philosophic and statutory. The philosophic basis for removal rests on the assumption that (1) juveniles are more likely to be rehabilitated than adult offenders and, therefore, should be provided a range of rehabilitation programs, and (2) that juveniles should not be exposed to hardened adult offenders who may not only reinforce negative attitudes but may also victimize the juveniles. To this end, State and Federal correctional standards have long required the separation of juveniles from adult offenders when the same facility serves both.

Experience shows that separation alone does not promote rehabilitation and often creates a new problem -- separation becomes isolation. Because the number of juveniles detained or incarcerated is relatively small -- fewer than 19 on an average day in the State of Maine -- the likelihood of isolation is great. In addition, because the average daily juvenile census in all but the most populous counties is so low, it becomes cost-prohibitive to provide the programs (e.g., education, recreation, alcohol/drug, etc.) required by Maine's Jail Standards.

For these reasons alone, the JJAG supports removal of juveniles from adult facilities to juvenile facilities which would ensure segregation from adults, while reducing the likelihood of isolation of the juveniles and promoting the cost-effective delivery of programs required by State law. The 1980 and 1984 amendments to the Juvenile Justice and Delinquency Prevention Act set out the statutory requirement for removal. The intent of the Congress in mandating the removal of all juveniles from adult facilities incorporated many of the considerations previously cited. In order to continue its participation in the Federal Juvenile Justice and Delinquency Prevention Program, Maine must meet the requirements of the Federal law.

WHY ARE JUVENILES IN JAIL?

Maine holds relatively few juveniles in adult jails -- an average of 19 a day Statewide, or approximately 1,390 individuals annually. Approximately 75% are in pre-trial detention status, while 26% are serving jail time as a result of a juvenile court disposition. A mere 3% are held for a serious offense against a person, and fewer than 15% are held because they were under the influence of drug/alcohol or were aggressive at the time of arrest. The most frequently cited purpose for jailing a juvenile is to provide temporary care until parents (or a responsible adult) can take the juvenile home. Clearly, only the minority of juveniles require secure confinement for their own protection or that of the public. The vast majority are released as soon as an alternative (e.g., a parent, a community program) becomes available.

HOW DO WE REMOVE JUVENILES FROM THE JAILS?

In 1980, the JJAG constituted its Jail Monitoring Committee to determine what complying with the Federal jail removal law would mean in the State of Maine. The Committee studied the detentions and commitments to the jails and explored models used in other states to permit jail removal. The results of this assessment was a bill to clarify the Juvenile Code and restrict the circumstances under which a juvenile may be securely detained. This bill amended the Juvenile Code to restrict the cases in which a juvenile may be securely detained. For example, the Code now prohibits secure detention of a juvenile who is held merely pending release to a parent. The Committee foresees a need to develop

and expand a range of community-based services (such as emergency attendant and foster care services, group living arrangements, etc.) for these offenders who do not require secure custody -- services which are far less costly than secure services.

The JJAG also recognizes the need for secure services for those few juveniles who require restrictive custody (e.g., perhaps, the 3% who are charged with serious offenses against a person). When it became apparent in the spring of 1985 that there were still questions in the minds of many regarding the number of juveniles who require secure detention, the JJAG constituted the Secure Detention Task Force to include the State Jail Inspector and representation from the sheriffs. This group is examining the data for detention and commitment of juveniles Statewide and by county and is expected to develop, for submission to the JJAG, recommendations for providing secure custody to those juveniles who require it in a manner which is humane and which is feasible considering both demographics and resources.

Concurrently, the JJAG has approved two pilot projects to test the feasibility of providing community-based services in lieu of the jails for those juveniles who do not require secure services. The first project was attempted for Androscoggin, Kennebec, Lincoln, and Sagadahoc Counties, the second will serve Cumberland and York.

WHAT WILL MAINE DO?

Maine has an enviable history in promoting the decent and humane treatment of its youth. Maine required the removal of status offenders (e.g., truants, run-aways, etc.) from its jails and institutions and went on to abolish those offenses as juvenile crimes well before any Federal requirement to do so. Maine has been a leader among states in such efforts as the major revision of its juvenile laws [the revised Juvenile Code (1978)], the development of group homes and treatment programs for troubled or neglected youth, and the commitment it has made to protect its children from abuse and neglect. Although the State's resources are limited, the State, as a matter of public policy, has placed the needs of its children ahead of these considerations. Based on this history, Maine should endorse the effort to remove juveniles from its jails.

RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE

1. Enact legislation which would permit counties to combine and operate correctional facilities and services jointly, including specialized services for juveniles.
2. Consider the recommendations of the Committee to Examine the Availability, Quality and Delivery of Services to Children with Special Needs, particularly those which relate to the removal of juveniles from jails, the development of behavior stabilization services, the need for continuing coordination among the State's youth-serving agencies. Development of mechanisms to ensure the delivery of appropriate services to children and families in need of services, regardless of the custodial status of the child involved, merit immediate attention.
3. Consider establishing, in the Executive Department, a mechanism to monitor and ensure the coordination, delivery and responsiveness of services to youth and families.
4. Enact legislation which would require joint planning for the prevention of delinquency among the State's youth-serving departments (Corrections, Education and Cultural Services, Mental Health and Mental Retardation, and Human Services). Encourage, in this legislation, the participation of local government, youth-service providers, and interested citizens.