EXECUTIVE SUMMARY

The Juvenile Justice Task Force was convened in April, 2009 under the joint leadership of the Chief Justice of Maine’s Supreme Judicial Court, Leigh Saufley, First Lady Karen Baldacci, Chair of Maine Children’s Cabinet, and Dean Peter Pitegoff of the University of Maine School of Law. The Juvenile Justice Task Force members represent multiple state agencies, branches of government, and sectors of the non-profit and private communities. As a result, the conclusions drawn and the recommendations made by the Juvenile Justice Task Force span across systems and points of entry to address the service of juveniles from early education to aftercare and the transition to adulthood.

In the charter establishing the Juvenile Justice Task Force, Chief Justice Saufley enumerated the goals of the Task Force’s as encompassing reform in the areas of educational attainment, access to community-based services, correctional practices, resource allocation, and organizational structure and development.\(^1\) In response, more than 70 affiliated professionals, representatives from interested stakeholder organizations, and others with valuable knowledge and experience to contribute began working to formulate informed recommendations that would address the aforementioned goals.

Three subcommittees emerged from the Juvenile Justice Task Force, focusing respectively on Education, Incarceration/Detention, and Community-Based Services. Each subcommittee worked to evaluate current system practices and identify inefficiencies and gaps in services, in consideration of youth outcomes and by comparisons with nationwide best practices, before devising recommendations designed to improve juvenile service-provision and system organization in Maine. Several conclusions in each area of research particularly guided the creation of the goals and recommendations put forth by the Juvenile Justice Task Force.

Education

A student who does not complete high school has a greater risk of negative outcomes than peers who do complete high school. Each youth who does not complete high school costs the nation $292,000 over his or her working life.\(^ii\) Cumulatively, students in the Class of 2009 who left school would generate an additional $319 billion in wages, taxes, and productivity over their working lives had they finished high school.\(^iii\) It is estimated that the projected national nongraduates’ collective failure to graduate will decrease their aggregate lifetime income by over $990 million.\(^iv\) Maine loses 21 students every school day,\(^v\) and projections indicated that Maine’s high school class of 2009 failed to graduate over 3,800 youth.\(^vi\) In 2007, six percent (6%) of Maine’s teens were not in school and not working.\(^vii\) Disengaged youth are at a higher risk of entering the justice systems—54.1% of adult prisoners in Maine had less than a high school education, 11.1% had less than a 9\(^{th}\) grade education.\(^viii\) Increasing Maine’s high school graduation rate through policy reform and the creation of educational alternatives will have a significant preventative effect on later juvenile justice system involvement.
Incarceration/Detention

Since 1997, the United States has seen a steady decrease in juvenile arrests for serious crimes, but the number of juveniles in secure confinement has not decreased at the same rate. Arrest indices have decreased by 43%, but detention has only decreased by 12%. When detained or committed, youth in secure confinement face many deleterious problems. “[D]etention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment.” Incarcerated youth are at a higher risk of engaging in suicide and self-harm. Upwards of forty percent of incarcerated youth have a learning disability and face significant challenges returning to school after leaving detention. Incarceration reduces juveniles’ future earnings and their ability to remain in the workforce and can “change formerly detained youth into less stable employees.” Moreover, “there is credible and significant research that suggests that the experience of detention may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.” Additionally, incarceration often fails to meet the mental and developmental needs of youth, and it can slow the natural “aging out” process of delinquency. Secure confinement has profoundly negative effects on the mental and physical well being of a youth by disrupting connections to families, school, work and the community.

Community-Based Systems

Only a robust continuum of community-based programs can ensure that Maine’s youth receive individualized treatment appropriate to their offenses. It is imperative that Maine encourage and support the expansion and development of a broad range of community-based programs aimed at identifying and addressing factors leading to its youth’s initial and continued involvement in the juvenile justice system. Maine can look to research-informed and evidence-based practices to guide program creation and expansion.

There are three areas of improvement that, once addressed, will lead Maine naturally to a decreased use of confinement for many juvenile offenders. The critical areas for reform are: an increase in the availability of quality and cost effective programs; straightforward and transparent access to these programs for youth in need; and increased coordination between agencies and stakeholders to better utilize resources in the service of all Maine youth.

Juvenile Justice Task Force Goals

1. Establish a statewide goal of 90% high school graduation rate by 2016 and 95% by 2020.
   [Legislation regarding this goal has been passed. See Appendix B]

   - Leaving school is the single most significant predictor of negative youth outcomes. Youth who leave school are twice as likely to be unemployed, three times as likely to live in poverty, twice as likely to become the parent of a dropout, and more likely to end up in prison. 54.1% of adult
prisoners in Maine (for whom education data is available) had less than a high school education, 11.1% had less than a 9th grade education.

2. **By 2011, develop suspension, expulsion, zero tolerance, and truancy policies that reflect best practices.** [Legislation regarding this goal has been passed. See Appendix B]
   
   - In 2001, Maine state law expanded its zero tolerance policies. Now, in cases where a student is deliberately disobedient or deliberately disorderly, Maine law recommends expulsion. Most other states recommend either suspension or expulsion. Also, Maine schools, both traditional and alternative, are not required to admit any student who has been expelled from any other Maine school.

3. **By 2014, increase by 50% the number of children and youth in Maine who have access to quality early childhood education and proven prevention strategies throughout adolescence.**
   
   - Even though the majority of a child’s core brain structure is formed before the age of three, the amount of public investments in education is relatively small during this period of development.
   
   - Maine needs to encourage and support the expansion and development of a broad range of community-based programs aimed at identifying and addressing factors leading to its youth’s initial and continued involvement in the juvenile justice system. These programs would include diversion and placement alternatives, transition services, family supports, out-of-school programs, and employment opportunities.

4. **Create multiple pathways for educating children and youth by working with the Department of Education in the development of a strategic plan (2010).**
   
   - Maine must enhance and support multiple pathways of education which value and respect differentiated learning styles and educational needs. Alternative educational settings and programs can better meet the needs of students, within and outside the juvenile justice system, who possess different personal and learning styles that are not adequately addressed within the traditional educational system.

5. **Reduce reliance on traditional methods of commitment and pre-adjudication detention by fifty percent (50%) in the next five years.**
   
   - Juveniles in detention are separated from natural supports and developmental influences associated with normal positive youth development. Prolonged periods of detention may reduce future educational achievements, employment opportunities, and earning potential. Low-risk offenders are often referred to the Division of Juvenile Services because there are limited or no effective community-based diversion programs in many communities throughout the state. Youth have better outcomes and decreased recidivism rates if strategic detention alternatives are used whenever possible rather than secure correctional detention and confinement.

6. **Adopt and implement a quality assurance system, an accreditation system, or a set of standards that ensure quality programs and expedient, effective case management for all detention alternatives, community based programs, and court proceedings.**
Decreasing detention and commitment relies on the availability of effective community-based services. All programs and placements must be rigorously evaluated and regularly monitored to ensure that any program or placement used as a detention alternative will save money, improve youth outcomes, and maintain public safety. Maine’s policy makers need to maintain and pursue programs that are supported by outcome evaluations clearly demonstrating effectiveness.

7. By September of 2010, in conjunction with the Children’s Cabinet and appropriate state agencies, a statewide Coordinated Services District System (CSDS) will be implemented for the purpose of promoting integrated services and strategies across eight (8) districts in Maine related to health, education, juvenile justice, and economic security/employment and relying on the concepts of positive youth development. The initial goals of the CSDS will be to implement the recommendations of the Juvenile Justice Task Force and the recommendations of the Maine Dropout Prevention Summit. [Legislation regarding this goal has been passed. See Appendix B]

8. By September, 2010, detail a statewide system for in-home and out-of-home services and placements for youth in the juvenile justice system that ensures high-quality programming that is sufficient and accessible. [Legislation regarding this goal has been passed. See Appendix B]

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

Flexible funding options are necessary to provide needed services despite the restrictive guidelines surrounding the use of MaineCare and other public funding streams by community-based placements and programs. Maine must develop a plan of making alternative funding options available to quality programs across Maine.
10. Form a Juvenile Justice Institute charged with coordinating and overseeing the implementation of these recommendations and continued reform efforts. [Legislation regarding this goal has been passed. See Appendix B]

- In order to create lasting change, a mechanism must be put into place to further the work of the Juvenile Justice Task Force and spur on meaningful reform initiatives. This staffed committee will coordinate efforts between partnering groups and agencies in order to carry out the recommendations put forth by the Juvenile Justice Task Force and ratified by stakeholders across the state.

    All of the recommended strategies put forth by the Juvenile Justice Task Force Subcommittees complement each other in achieving the above goals. With these goals in mind, we can work together to achieve lasting improvements in Maine’s juvenile justice system.

---


2 Center for Labor Market Studies, Northeastern University, The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Tax Payers, at 15 (2009). ("The average high school dropout will cost taxpayers over $292,000 in lower tax revenues, higher cash and in-kind transfer costs, and imposed incarceration costs relative to an average high school graduate.")

3 Alma Powell, Chair, America’s Promise Alliance Speech - “Delivering America’s Promise,” at 1 (2009) American Academy of Pediatrics National Convention and Exhibition, October 17, 2009, http://www.americaspromise.org/About-the-Alliance/Press-Room/Speeches-and-Quotes/2009-Alma-Powell-October-17.aspx. (“If the dropouts who would have been part of the Class of 2009 had stayed in school and graduated, they’d generate an additional $319 billion in wages, taxes, and productivity over their working lives.”)


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


x Justice Policy Institute, Barry Holman and Jason Ziedenberg, The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, 2 (Nov. 2006), http://www.justicespolicy.org/images/upload/06-


One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration, and another suggests that poor mental
health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm.

Id. (internal citations omitted).

x1 Justice Policy Institute, Barry Holman and Jason Ziedenberg, The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, 2 (Nov. 2006), http://www.justicespolicy.org/images/upload/06

xii Justice Policy Institute, Barry Holman and Jason Ziedenberg, The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, 2 (Nov. 2006), http://www.justicespolicy.org/images/upload/06

xiii Justice Policy Institute, Barry Holman and Jason Ziedenberg, The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities, 2-3 (Nov. 2006), http://www.justicespolicy.org/images/upload/06 (emphasis added). See also The Costs of Confinement, supra note 10 at 10 (“Researchers who have critically evaluated the adult criminal justice system have found little if any correlation between increasing prison populations and lower crime rates. . . . Concurrently, data shows that states that increased the number of youth in facilities did not necessarily see a bigger drop in crime than states that lowered juvenile correctional populations.”) “[S]ates that significantly lowered the number of youth incarcerated were more likely to see bigger drops in crime than states that increased their correctional populations.” Id .


(recommending a plan for developing community-based programs to help prevent juvenile delinquency).

In an effort to effectively divert [] low risk offenders from the system we need to encourage and support the development of a range of programs and services aimed at identifying and addressing the factors that are leading to their initial involvement in the juvenile justice system. These community based programs should be available to local law enforcement agencies and the DOC as a diversion alternative [sic] focused on preventing further penetration of first time/low risk juvenile offenders into the juvenile justice system. . . . Programs will be based on evidence based practices that have a proven track record of producing positive outcomes for youth and families through a strategy of asset development.