An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

(EMERGENCY)

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Presented by Representative BRENAN of Portland.
Emergency preamble. Whereas, acts and resolves of the Legislature do not
become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the initiatives established in this legislation must be undertaken promptly
upon the beginning of the next fiscal year in order to safeguard the health and welfare of
Maine's justice-involved youths and to safeguard the public peace, health and safety; and

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

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C, as amended by PL 1999, c. 624, Pt. B,
§5, is further amended by repealing subparagraph (2).

Sec. 2. Benchmarks for reducing the population of detained and committed
youths. From a baseline of the average daily population of youths detained and of the
average daily population of youths committed in the custody of the Department of
Corrections, each year, through July 1, 2024, the department shall submit an estimate to
the joint standing committee of the Legislature having jurisdiction over criminal justice and
public safety matters on the reduction in the number of youths detained and committed for
that year to create a figure to serve as a benchmark for reducing the population of detained
and committed youths.

Sec. 3. Continuing role of the task force on juvenile justice system
assessment and reinvestment convened in 2019. The Juvenile Justice Advisory
Group shall reestablish the task force established by the Juvenile Justice Advisory Group
in 2019 to study and make recommendations on juvenile justice system assessment and
reinvestment, referred to in this Act as "the task force." The task force shall work with
stakeholder groups as well as the Department of Corrections and the Department of Health
and Human Services to implement the recommendations of the February 2020 Maine
Juvenile Justice System Assessment and Reinvestment Task Force report. The task force
shall focus on the development of strategic interventions for investment in a community-
based system of therapeutic services for justice-involved youths that works to divert youths
from detention and commitment, reduce the rates of detention and commitment across the
State and achieve the benchmarks for progress established in section 2 of this Act. The task
force shall convene an advisory panel of justice-involved youths to advise the task force in
the performance of its duties.

Sec. 4. Annual reporting by the Department of Corrections through 2025.
Each year through January 31, 2025, the Department of Corrections shall provide an annual
report to the joint standing committee of the Legislature having jurisdiction over criminal
justice and public safety matters. The report must provide detailed information regarding:

1. The efforts of the Department of Corrections and the Department of Health and
   Human Services to offer diversion options for justice-involved youths and to reduce the
   rates of detention and commitment of youths across the State;

2. The successes and challenges of the Department of Corrections in achieving the
   benchmarks for detained and committed youths set forth in section 2 of this Act;
3. The successes and challenges of the Department of Corrections and the Department of Health and Human Services in expanding access to community-based, therapeutic services or programs funded under section 8 of this Act for the purpose of diverting justice-involved youths from detention and commitment and reducing the rates of youth detention and commitment;

4. The successes and challenges of the nonprofit community agencies that have been awarded contracts to provide community-based, nonresidential, therapeutic services and programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment as funded under section 8 of this Act;

5. The number and outcomes of youths served in the prior year by the nonprofit community-based agencies awarded contracts under sections 6 and 7 of this Act; and

6. The number of staff at Long Creek Youth Development Center as of the preceding December 1st and staffing levels and challenges at the facility.

Sec. 5. Reporting on possible sites and locations for secure, therapeutic residences for detained and committed youths. By January 1, 2022, the Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on possible sites and locations for 2 to 4 small, secure, therapeutic residences for youths for the purposes of providing confinement and detention in a therapeutic setting for a maximum occupancy of a total of 20 youths across all sites and locations. The identified possible sites and locations must consist of one site or location in Cumberland County and one site or location in Penobscot County. Two other sites and locations may be identified depending on need. The identified possible sites and locations must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding staffing options and options and cost estimates at each possible site and location for the provision of therapeutic services and programs, including educational services, for youths living in the residences.

Sec. 6. Funding by Department of Corrections for services or programs for diversion of youths from detention and commitment. The Department of Corrections shall provide ongoing funding to nonprofit community-based providers of therapeutic services or programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment, using funding appropriated for that purpose. These services or programs may include behavioral health services, family support, housing, community supervision, restorative justice and transportation. An emphasis must be placed on offering these services or programs in rural parts of the State and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. All of the funding provided for this purpose must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human Services and overseen by the Department of Corrections, with nonprofit community agencies that have demonstrated a history of serving youths at risk of entering the juvenile justice system, including youths in underserved or minority communities.

Sec. 7. Funding by Department of Health and Human Services for services or programs for diversion of youths from detention and commitment. The Department of Health and Human Services shall provide ongoing funding to nonprofit
community-based providers of therapeutic services or programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment, using funding provided for that purpose. These services or programs may include behavioral health services, family support, housing, community supervision, crisis stabilization and transportation. An emphasis must be placed on offering these services or programs in rural parts of the State and to underserved and minority populations, on expanding existing services and programs that have proven effective and on adopting new evidence-based, innovative services and programs. At least 70% of the funding provided for this purpose must be used for contracts, agreed to by the Department of Corrections and the Department of Health and Human Services and overseen by the Department of Health and Human Services, with nonprofit community agencies that have demonstrated a history of serving youths at risk of entering the juvenile justice system, including youths in underserved or minority communities.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Juvenile Community Corrections 0892

Initiative: Provides an appropriation to the Department of Corrections to provide ongoing funding to nonprofit community-based providers for community-based, therapeutic services or programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment.

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<th>2020-21</th>
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<tbody>
<tr>
<td>All Other</td>
<td>$0</td>
<td>$1,500,000</td>
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<tr>
<td>GENERAL FUND TOTAL</td>
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Mental Health Services - Children Z206

Initiative: Provides an appropriation to the Department of Health and Human Services to provide ongoing funding to providers of community-based, therapeutic services or programs for the purpose of diverting justice-involved youths from detention and commitment and reducing the rate of youth detention and commitment.

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Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return
home because there is no parent or other suitable person willing and able to supervise the
juvenile adequately.

The bill, based on recommendations of the Department of Corrections, calls for the
setting of benchmarks for measuring progress in reducing the average daily populations of
detained youths and committed youths through July 1, 2024.

The bill directs the Juvenile Justice Advisory Group to reestablish the juvenile justice
task force to help implement the recommendation made in the February 2020 report issued
by the Maine Juvenile Justice System Assessment and Reinvestment Task Force. The task
force is directed to work with stakeholder groups and the Department of Corrections and
the Department of Health and Human Services regarding the development of a community-
based system of therapeutic services for justice-involved youths that works to divert youths
from detention and commitment, reduce the rates of detention and commitment across the
State and achieve the benchmarks for progress established in this bill.

The bill requires annual reports on juvenile justice from the Department of Corrections
to the joint standing committee of the Legislature having jurisdiction over criminal justice
and public safety matters through January 31, 2025.

The bill requires that, by January 1, 2022, the Department of Corrections report to the
joint standing committee of the Legislature having jurisdiction over criminal justice and
public safety matters on possible locations for 2 to 4 small, secure, therapeutic residences
for youths for the purposes of providing detention and confinement for a maximum
occupancy of a total of 20 youths. One of the residences must be located in Cumberland
County, one must be in Penobscot County and 2 other possible locations may be identified.
Options must include existing structures for renovation as small, secure, therapeutic
residences. The report must include information regarding staffing options and options and
cost estimates at each possible site and location for the provision of therapeutic services
and programs, including educational services, for youths living in the residences.

The bill appropriates $1,500,000 to the Department of Corrections and $500,000 to the
Department of Health and Human Services to provide ongoing funding for community-
based, therapeutic services or programs for the purpose of diverting justice-involved youths
from detention and commitment and reducing the rate of youth detention and commitment.