

April 17, 2019

Senator Michael Carpenter
Representative Donna Bailey
Joint Standing Committee on Judiciary
100 State House Station, Rm. 438
Augusta, ME 04333

RE: LD 1304: An Act to Ease Financial Burdens for Juveniles Involved in the Justice System

Dear Senator Carpenter, Representative Bailey, and Members of the Joint Standing Committee on Judiciary,

My name is Christopher Northrop. I am here today on behalf of the New England Juvenile Defender Center and the National Juvenile Defender Center to testify in support of LD 1304: An Act to Ease Financial Burdens for Juveniles Involved in the Justice System. In addition to my NEJDC and NJDC hats, I bring a good deal of professional experience to this issue. During my 17 years in private practice I represented hundreds of youth either as their defense attorney or their Guardian ad litem. In my last 13 years at Maine Law, I have worked with hundreds more children at our Juvenile Justice Clinic.

I have fought the issue of unrealistic and overly punitive juvenile restitution for many years on a case by case basis. Over the last few years, a number of wonderful clinic students have talked about trying to change this problem on a statewide basis. As you know, Whitney Lallas and Reggie Parson decided to take the next step. I am here to speak about one of the cases that, to me and to law students learning about the juvenile system, is a striking example of the problems inherent in our current statute.

A few years ago a fifteen year old (we'll call him James) was outside of his school being taunted by one of his classmates. The taunting led to a scuffle, the scuffle led to a punch, the punch led to a broken bone and some significant medical bills. The injured youth received treatment that was covered by MaineCare. When the case came to court, James admitted guilt but asked the court to consider his lack of work experience (he had never worked), his significant mental health issues (he had been identified and receiving special education services for a number of years), his family's financial circumstances (they were poor), and the fact that the victim's family had been made whole financially. After hearing argument, the court ordered James to pay \$12,347.33 restitution for the benefit of MaineCare.

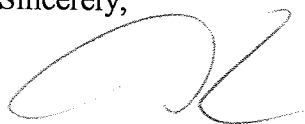
We represented James on a post-conviction review. It was denied. That PCR trial was our client's last chance to have his restitution obligation reduced or removed. He has no further

legal recourse under our current statutory scheme. During hearing we asked his Juvenile Community Corrections Officer if the state had considered allowing James to perform community service to satisfy part of his restitution obligation. Her response was, because of our client's significant mental health issues, she would not be able to place him in any organization. So our client, who cannot even work for free, has a huge restitution obligation that will not benefit the victim of his crime and will hang over his head as an adult for many years. This obligation will keep him from sealing his juvenile record, make it difficult for him to obtain housing, education, and employment, and it will make him live with the constant threat of incarceration.

Which leads me to my last point. Over the past few months Whitney and Reggie have talked with prosecutors and others about this legislation. They are frequently asked how restitution obligations will ever be met without the threat of incarceration. My experience with my daughter/foster child/clients is punitive threats are generally ineffective and often counter-productive, especially if the threat is used to coerce performance of tasks beyond a child's current abilities. Youth are much more likely to comply with court orders if they have the capacity to accomplish what is asked of them in a reasonable amount of time.

Thank you for your consideration of this legislation. I am happy to take any questions at this time. I should also be available for the work session.

Sincerely,



Christopher Northrop

Founding Board Member and Past President, New England Juvenile Defender Center
Senior Leadership Council, National Juvenile Defender Center