

Drafter: JO

Date: February 27, 2020

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Sponsor: Rep Michael Brennan

An Act to Implement the Recommendations of the Juvenile Justice System Advisory Assessment and Reinvestment Task Force

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 bill 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 youth and to safeguard 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Sec. 1. 15 MRSA §3203-A, §4, ¶C, sub-¶2 is repealed.

Sec. 2. Benchmarks for reducing the number of detained and committed youths. In relation to a baseline of the average daily number of youths detained and the average daily number of youths committed in the custody of the Department of Corrections for each day from April 1 to June 30, 2020, the Department of Corrections shall take action to ensure that the average daily population of detained youths and the average daily number of committed youths decrease by 25% by July 1, 2021. By July 1, 2022 the Department of Corrections shall take action to ensure that the average daily population for each group decreases 25% from the average daily populations on July 1, 2021. By July 1, 2023, the Department of Corrections shall take action to ensure that the average daily population for each group decreases 25% from the average daily populations on July 1, 2022.

Sec. 3. Continuing role of the task force convened in 2020 on juvenile justice system assessment and reinvestment. The Commissioner of Corrections shall work with the members of the task force convened in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment, referred to herein as the "task force," regarding implementation of this Act and ongoing juvenile justice system improvements. The task force shall provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a strategic plan to invest in a community-based system of therapeutic services for justice involved youth that works to divert youth 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 youth to advise the task force in the performance of its duties.

Sec. 4. Annual reporting by the Department of Corrections through 2024. After receiving advice and input from the task force but no later than January 31, 2021, January 31, 2022, January 31, 2023, and January 31, 2024, the Department of Corrections shall provide four

annual reports to the joint standing committee having jurisdiction over criminal justice and public safety matters. The reports 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 youth and to reduce the rates of detention and commitment of youth across the State;
2. The successes and challenges of the Department of Corrections in achieving the benchmarks for detained and committed youth 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 6 of this Act for the purpose of diverting justice involved youth from detention and commitment and reducing the rates of youth detention and commitment;
4. The successes and challenges of the non-profit community agencies that have been awarded contracts to provide community-based, nonresidential, therapeutic services and programs for the purpose of diverting justice involved youth from detention and commitment and reducing the rate of youth detention and commitment as funded under section 6 of this Act;
5. The number and outcomes of youth served in the prior year by the non-profit community-based agencies awarded contracts under section 6 of this Act;
6. The number of staff at Long Creek Youth Development Center as of the preceding December 1 and staffing levels and challenges at the facility; and
7. The strategic plan developed by the Department of Corrections and the Department of Health and Human Services in consultation with the task force for the implementation of this Act and related juvenile justice system improvements.

Sec. 5. Reporting on possible site locations for secure, therapeutic residences for detained and committed youth. By January 1, 2021, the Department of Corrections shall report to the joint standing committee having jurisdiction over criminal justice and public safety matters on possible site locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing confinement and detention in a therapeutic setting for a maximum occupancy a total of 30 youths across all locations. The identified possible locations and sites must consist of one location in Cumberland County and one location in Penobscot County. Two other locations and sites may be identified to serve identified need. The identified possible locations and sites must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each possible location and site for the provision of therapeutic services and programs, including educational services, for youths living in the residences.

Sec. 6. Appropriations and allocations.

CORRECTIONS, DEPARTMENT OF Juvenile Community Corrections 0892

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

and reducing the rate of youth detention and commitment. These services or programs may include behavioral health, 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 by this initiative 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 non-profit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

GENERAL FUND	2019-20	2020-21
All Other		<u>\$2,500,000</u>
GENERAL FUND TOTAL		\$2,500,000

**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 youth from detention and commitment and reducing the rate of youth detention and commitment. These services or programs may include behavioral health, 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 by this initiative 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 non-profit community agencies that have demonstrated a history of serving youth at risk of entering the juvenile justice system, including youth in underserved or minority communities.

GENERAL FUND	2019-20	2020-21
All Other		<u>\$1,000,000</u>
GENERAL FUND TOTAL		\$1,000,000

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 establishes benchmarks for measuring the average daily populations of detained youths and committed youths through July 1, 2023. The bill requires the Commissioner of Corrections to work with the task force convened during 2019 to study and make recommendations on juvenile justice system assessment and reinvestment regarding implementation of the bill, to provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services and to provide feedback regarding the development of a community-based system of therapeutic services for justice involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress.

The bill requires four annual reports on juvenile justice from the Department of Corrections to the joint standing committee having jurisdiction over criminal justice and public safety matters through January, 2024.

The bill requires that by January 1, 2021, the Department of Corrections must report to the joint standing committee having jurisdiction over criminal justice and public safety matters on possible site locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of providing detention and confinement for a maximum occupancy by a total of 30 youths. At least one of the residences must be located in Cumberland County, one must be in Penobscot County and the other residences must be located in areas determined to best serve youths close to their home counties. Options must be existing structures for renovation as secure, therapeutic residences. The report must include information regarding options at each location for the provision of therapeutic services and programs, including educational services, for youth living in the residences.

The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 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 youth from detention and commitment and reducing the rate of youth detention and commitment.