

Maine Juvenile Justice Advisory Group

MINUTES
April 17th, 2015



Paul R. LePage
Governor, State of Maine

Bartlett H. Stoodley, Chair
Edwin P. Chester, Esq. Vice Chair

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I. Roll Call:

Present: Teresa Barrows, Behavioral Health Director, OCFS; Jacinda Goodwin, TDAE, DOE; The Honorable Charles LaVerdiere, Maine District Court; Tessa Mosher, Victim Services, DOC; Christian Muhitira, Youth JJAG Member; Sgt. Jonathan Shapiro, Maine State Police; Bartlett H. Stoodley, JJAG Chair; Christine Thibeault, Esq.; Patrick Walsh

Notice: Ned Chester, Esq., Vice Chair; Dalene Dutton; Nickole DeMerritt;; Pender Makin, Director REAL School; Colin O'Neill, Associate Commissioner, DOC

No Notice: Sgt. Abby Comee-McCourt; Margaret Longsworth, Director of Mental Health and Clinical Services, OHI

Staff: Jason Carey, Staff Assistant; Nathan Gagnon, Compliance Monitor; Kathryn McGloin, Juvenile Justice Specialist; Miranda DiMartino, Intern

Guests: Caleb Gilbert, SAMHS; Ron Birch, RSU 18 Parent; Michael Freysinger, Youth Court; Joel Furrow, Director, Root Cellar; Marcus Niedner, Gardiner Police Department; Luc Nya, Mental Health Coordinator, OCFS; Kelsey Park, Intern Tree Street; Rachel Talbot Ross, Equal Opportunity & Multicultural Affairs Director, Portland, Maine; Julia Sleeper, Director Tree Street

II. Chair:

The JJAG meeting was called to order by Bartlett Stoodley, JJAG Chair, at 9:00 A.M. and introductions were made.

Barry welcomed guests and provided an opportunity for members and guests to brief the Group on items related to their work.

The JJAG continues its search for youth members without success. Youth engagement is critical to the Maine JJAG. Discussion focused on the following topics:

- Retention of youth members (under the age of 24)
- Appointment to the JJAG enables and requires participation
- JJDPA requires youth members
- Engaging youth
- A youth may become a full member or a committee member
- JJAG member participation at Youth Engagement Committee Meetings is of utmost importance
- **Each JJAG member is asked to reach out to youth who may be in the**

members' realm.

- Can youth members receive credit from sending schools?
- A stipend may be offered to youth members for participation in meetings. Kathryn will investigate amounts given by other agencies and other SAGs.

There was discussion around the need for school representation on the JJAG. Potential members include school nurses, resource officers and school board members. The JJAG is interested in school policies and procedures relating to our population and prevention.

Announcements:

- Jim Martin is the new Office Director of Children's Behavioral Health Services. Policy changes are being made to behavioral health issues. Services have been covering up to 21 year olds with proposed amendments to include up to 25 year olds.
- The Improved Police Response to Juveniles in Crisis has five years of data ready for analysis– identifying barriers for parents with children displaying behavioral issues who can't get services quickly enough.
- Tree Street's after school programming in Lewiston/Auburn serves 120-150 kids per day offering enrichment, arts, cultural awareness, job skills, and more. Data indicate that 65% of the youth served come from immigrant/refugee populations; 85% are youth of color. There is a focus on implementing restorative juvenile justice practices.
- The Root Cellar in Lewiston is a faith-based organization run by volunteers that offers positive youth development opportunities for youth. The newest program is Project Rooted which provides "opportunities for court involved teens designed to empower them through skill building and transformational mentoring relationship" in a 12 week program that includes job readiness and life skills training.
- Youth in juvenile court have been observed as having low aspiration levels, low ideas of self, and a lack parental guidance. The #1 reason kid stay in school or not, directly correlates to not having friends at school, feelings of isolation, and feeling like they don't belong. Work should be done to identify at-risk kids, then provide guidance, and assist in the formation of friendships. Adults should continue to provide opportunities for kids to shine in their own way. Kids identifying with adults in school usually have better results. It is when the child feels disposable that we have problems.
- The level of juvenile crime is rising. This statement does not reflect on the frequency of violations but the severity. This is a concern.
- The JJAG's mission statement will include the word "aspiration."
- Working with youth will help to reduce the number of victims in a community.
- Portland, Maine is taking part in My Brother's Keeper Communities Challenge helping to keep young people on track.

III. Minutes:

The minutes for the March 20th, 2015 JJAG meeting were approved.

Motion: To approve the March 20th, 2015 Minutes

Moved: Sgt. Jonathan Shapiro, Jacinda Goodwin

Discussion: None

Action: Approved

IV. Departmental Reports:

A. Department Of Health & Human Services

1. Laws relating to human and sex trafficking need to be relayed to residential treatment centers.
2. The entry age for crime is getting lower and lower while levels of criminality are increasing.
3. DHHS is interested in investing in in-state solutions rather than sending kids out of state for treatment.
4. There is a seasonal influx on demand for services in the spring and fall.
5. Kids continue to get “stuck” in emergency departments for lack of placement options.
6. DHHS hopes identify barriers to supporting difficult youth.
7. Residential treatment quality is being reviewed.
8. DHHS is working to learn what is keeping kids “stuck” in the system?
9. They are looking to create a more flexible payment structure.
10. They are hoping to learn how all child serving departments may be partners in the creation of a collaborative residential treatment system?

The #1 reason why kids are detained is the absence of an adequate alternative for that child.

B. Department Of Public Safety

1. The Police Response to Juveniles in Crisis (PRJC) allows early identification of children at risk.
2. There is serious issue with children being unable to access services quickly. If the delay is too long the child may be charged to allow him or her to receive services.
3. When a 911 call comes in it is critical that police don't drop the ball.
4. With PRJC 86% of 911 juvenile/family responses are successfully connected with services.
5. Demographics of the PRJC
 1. 6 to 17 years old
 2. Data indicate that 10 years of age is a tipping point for entering the system.
 3. 30% of kids being processed are involved with substance abuse.

The Old Orchard Beach Juvenile Community Review Board is back in business and is preparing a streamlined approach for the summer of 2015. This will provide timely service to the influx of summer activity. Training for police officers will also be pursued to deal with juveniles who display mental illness.

C. Department of Corrections

N/A

D. Department of Education

Ex-Officio has nothing to say.

V. Juvenile Justice Specialist Report:

The Developmental Approach to Reforming Juvenile Justice: Simple Explanations of the Scientific Underpinnings training April 13th through the 17th with Karen Williams had a total attendance of 154. Evaluations indicate that her presentation was well received and that participants, clinicians, educators, defense attorneys, guardians ad litem, prosecutors and victim advocates will use what they learned. Many have asked for more training on the topic.

The JJAG will have a Maine State Government Summer intern for 2015 May 26th to August 14th. Robert Potts of UMaine will conduct research, collect data, and be tasked with projects as needed.

The JJAG's 2014 Annual Report will be sent to members for their approval. The deadline for review and comment is April 30th after which it will be sent to the Commissioner's office for final review before being sent to the Governor and OJJDP.

The 2015 Coalition for Juvenile Justice Youth Summit will take place in DC July 23rd and 24th. The JJAG is able to support youth members who regularly contribute to the JJAG. The Youth Summit will provide guidance as to recruiting, nurturing, and maintaining youth SAG involvement.

Christian Muhitira would like to attend the Youth Summit. There may be an option for JJAG committee youth members to attend as well.

Motion: To send Christian Muhitira to the Youth Summit with the requirement that he present a summary of the event to the JJAG.

Moved: Christine Thibeault, Esq., Luc Nya

Discussion: None

Action: Approved

VI. Compliance Monitor Report:

Since Last JJAG Meeting:

- Most of York County Municipalities have been inspected and all are in compliance
- Gardiner, Monmouth, Sabattus, Scarborough, OOB, Saco, Biddeford, Sanford, Buxton, N Berwick, S Berwick, Berwick, Eliot, Kennebunk, Cape Elizabeth, York, Wells, Ogunquit, Kennebunkport police departments have been inspected.
- Two facilities: Eliot and Kennebunkport have added secure features (cuffing bench) to their departments since the last compliance monitor visit in 2012. Both facilities have had their classification changed from “non-secure” to “Secure”.

What is a secure facility?

A secure facility is one where construction fixtures that are designed to physically restrict the movements and activities of juveniles. Construction fixtures include secure perimeters, cells, lockable rooms, cuffing to a stationary object.

Meetings attended:

- Karen Williams Brain Development Training with the defense attorney/prosecutors in Portland
- Strategies For Youth meeting with Lewiston Police Department. Lewiston Chief Brasseire was present to talk about SFY and DMC in Lewiston.
- The Juvenile Justice Collaborative in Lewiston put together by Region 2 JCO's where Kathryn talked about JJAG/SFY/United Front.

After talking to a number of the police chiefs in York Counties about some of the Karen Williams training around adolescent brain development most expressed a great deal of interest in her training for their officers to better help their patrolman (and even the chiefs) understand juveniles and be able to deal with them more effectively. I immediately had police chiefs emailing me following up on how this training could be available and had two chiefs open the doors to their department to host these trainings if we could get her back.

VII. Three Year Plan:

Members are asked to select Program Areas based on what committees are projecting for work to be done in the JJAG's new 2015-2017 Three Year Plan.

While the Formula solicitation has not been released Kathryn expressed concern that the Group has not nailed down goals and objectives and committees have not offered plans and budgets.

The May 15th meeting will be devoted to developing the plan.

- Youth membership on the JJAG and its committees
- Adverse Childhood Experiences
- The need for current data from schools
- Restorative Justice- the community needs and involvement of the victim
- Policy and procedures relating to zero tolerance
- Data on truancy, dropouts, suspensions, and expulsions
- School to Prison Pipeline or the Birth to Prison Pipeline
- Review of criminality and risk factors of kids in the deep end
- Develop an overarching quality assurance plan for juvenile justice. Do we know what is going on in residential treatment centers? Are they using the best program possible, who is judging it, and what is the quality assurance plan? How do we know, as a system, that these kids are getting/what they need in the best possible way? Those facilities are designed to treat mental illness in a traditional sense but they are not necessarily designed to treat and contain severe acute disruptive behavior.
- Criminality vs. mental illness.
- Positive Youth Development- Focus on positive activities by supporting funding for biking, hiking, and other positive activities that keep kids from abusing substances and help them organize their mental health.
- Gather research that supports the work being done by the JJAG under the new plan.
- Cost of treatment vs. incarceration plus the cost of victim treatment.
- The resources Maine devotes to treatment and management of pre- and post-adjudicated youth can be reallocated to be more effective in addressing the needs of those youth.
- School Resource Officer training is variable. How do they understand the way kids present themselves before an arrest? How is that managed to the benefit of the kid and the family as opposed to the benefit of maintaining the order of the schools?
- Homelessness. When kids are away from their home for more than two days they are quickly absorbed into the street. How many homeless kids are there in Maine? How many homeless kids find their way into corrections? What are options and alternatives for them? How does it relate to attendance, expulsion, and school attendance generally? How does it relate to sexual perpetration and drug abuse?
- What suicide prevention plans are available in schools? The JJAG, as part of its Plan, can help collect data on the well-being of kids and assist in the development of comprehensive measures to ensure quality results.

VIII. Committe Reports:

Please forward all committee minutes to Kathryn for distribution to all members.

Minutes will be ratified at regular meetings and committee minutes will be included in the full JJAG meeting minutes and posted at mainejjag.org.

When committees have work to move forward they will send the work product along to Kathryn who will send it to the Executive Committee to be evaluated and reviewed.

A. Nominating Committee

No report.

B. Systems Improvement Committee

The Committee has yet to meet. Christine Thibeault did offer that while the committee is not meeting there are initiatives in which some JJAG members have participated. For example; the Maine Criminal Justice Academy juvenile curriculum, new training for law enforcement training done by Christine and Dr. Baeder, the Juvenile Justice Workgroup and the DMC work.

Barry suggests that issues brought to today's meeting be included in the System Improvement Committee.

C. Training and Education Committee

The *Think Tank* resource fair will take place on May 15th at the University of Maine at Orono. Many invitations have been made and attendance is already looking very good.

D. Youth Engagement Committee

Youth Engagement Committee continues to hold regular meetings alternating between Long Creek and Mountain View Youth Development Centers. For further info contact Dalene, Youth Engagement chair.

E. Disproportionate Minority Contact Committee (DMC)

Committee members met with the Lewiston Police Department regarding the *Strategies For Youth* opportunity on April 8th. The project was well received and the Chief has agreed to work with the JJAG. It is anticipated that the project will begin in September.

F. Marketing & Outreach Committee

Marketing & Outreach has several 5 Facts in Forty documents ready to roll. The JJAG's *Think About it First* card has had its language reviewed and with a few more adjustments, will be ready to publish.

G. Legislative Committee

Christine expressed concern about the Committee and her role as a result of the new structure of the JJAG.

The Executive Committee will have a discussion about the structure of committee. Christine state that we should have a thorough vetting of the bills before anyone testifies on behalf of the JJAG. It was noted that we may have email discussion and a vote however we may not have the capacity. .

All members must take responsibility to respond to email regarding legislation.

LD 1029 – Christine stated that the hearing on this bill was awkward had to, as a prosecutor, testify against. This is the bill that the JJ Workgroup pulled together with the help of several JJAG members. This bill directs juvenile community corrections officers, when determining alternatives based on preliminary investigations, and the court, when entering a dispositional order for an adjudicated juvenile, to consider that whenever possible and appropriate the juvenile be referred to participate in a program intended to increase community safety by reducing the likelihood of future illegal behavior by the juvenile, to hold the juvenile accountable to the juvenile's victims and the community and to assist the juvenile in becoming a responsible and productive member of society.

The bill prohibits the use of physical restraints on a juvenile during a court proceeding and specifies that restraints must be removed prior to the juvenile's appearance before the court unless a Juvenile Court Judge finds that use of restraints is necessary because the present behavior of the juvenile represents a current threat to that juvenile's safety or the safety of others in the courtroom; recent disruptive courtroom behavior of the juvenile has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on that juvenile or others; present behavior of the juvenile presents a substantial risk of flight from the courtroom; or less restrictive restraints are unavailable.

Prior to a juvenile's appearance in court, the court is directed to inquire of the transporting agency and the judicial marshal or other designated court security as to whether reasonable grounds exist for the use of physical restraints in a particular situation or for a particular juvenile. If the transporting agency or the judicial marshal or other designated court security raises a concern that reasonable grounds exist for the use of physical restraints, the burden at hearing is on the juvenile to show by a preponderance of the evidence that reasonable grounds for use of physical restraints do not exist or that a less restrictive alternative that will alleviate the need for physical restraints exists. The court is directed to permit testimony on the issue of whether the use of physical restraints is necessary in a particular situation or for a particular juvenile.

The bill also amends the provisions regarding the dissemination of certain juvenile court records to specify that dissemination may be allowed only with the consent of the court, after hearing, taking into consideration the purposes of the Maine Juvenile Code. The bill specifies that police records, juvenile community corrections officers' records and all other reports of social and clinical studies may not be open to inspection in cases not open to the general public, and in cases that are open to the general public those records may be open to inspection only with the consent of the court, after hearing, taking into

consideration the purposes of the Maine Juvenile Code and the need of the person seeking to inspect the records to access the information through this process. The juvenile, counsel who represented the juvenile at the adjudicatory or dispositional hearing and the district attorney must be given notice of the hearing and an opportunity to be heard.

LR 268 - This bill provides a defense to prosecution for a crime related to the consumption of alcohol by a person under 21 years of age or refusal to provide proper identification for a minor who, in a situation that involved risk to the minor or another person of overdose from the consumption of alcohol, in good faith sought medical or emergency treatment or assistance for the minor or the other person or that the minor was the person for whom treatment or assistance was sought and the evidence of the crime is obtained as a result of the minor contacting emergency medical services or law enforcement. This bill does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol. (The JJAG did not present on this.)

LR 956 –Senator Rebecca Millet sent this bill to Barry for our consideration. This may be in line with our interest in the school to prison pipe-line and kids who are dislocated from school.

This bill authorizes a school board to designate an existing school or establish a new school to be a community school that participates with community partners to provide various educational and social services to students, families and community members. The bill provides the steps a school board must complete in order to establish a new community school, including conducting a community needs audit, conducting a community resource assessment and developing a community school plan, and requires that a school board that designates an existing school as a community school must also conduct a school operations and instructional audit.

The bill requires a school board that establishes a community school to report annually to the Department of Education on the school's progress and provides that the Commissioner of Education must submit an annual report to the joint standing committee of the Legislature having jurisdiction over education matters that includes an evaluation of the community schools in operation during the prior school year. The bill also authorizes the Department of Education to provide funding, including funds allocated for a 5-year pilot project beginning in the 2016-2017 school year, to support the implementation of community schools.

IX. Other Business:

The National Alliance of Mental Illness in Maine is offering juvenile mental health first aid training. One, eight hour training carries a three year certification.

X. Adjourn:

The meeting adjourned at 2:00 p.m.

**The next meeting will be May 15, 2015 from 9:00 am to 2:00 pm
Abnaki Club, 317 Water St., Augusta, Maine**