



Paul R. LePage
Governor, State of Maine

Paul K. Vestal, Chair
Edwin P. Chester, Esq. Vice Chair

Maine Juvenile Justice Advisory Group

MINUTES
March 27, 2013

I. Roll Call:

Present: Mark Boger, Nickole DeMerritt, Dr. Joe Fitzpatrick, Jim Foss, Amanda Heikkinen, Carla Knapp, Judge Charles LaVerdiere, Joan McDonald, Tessa Mosher, Lisa Sandy, Sgt. Jonathan Shapiro, Christine Theriault, Christine Thibeault, Esq., Paul Vestal and Patrick Walsh

Absent: Richard Brown, Ned Chester, Abigail Comee-McCourt, Dalene Dutton, Jacinda Goodwin, Randall Liberty, Margaret Longworth, Hannah McMullen, Dan Nichols, Barry Stoodley, and Dr. Lindsey Tweed

Staff: Kathryn McGloin, Juvenile Justice Specialist, Ryan Andersen, Compliance Monitor, Noël Bonam, DMC, Elaine Brann, Staff Assistant

The JJAG Meeting was called to order by Paul Vestal, JJAG Chair, at 9:09 A.M. Paul asked for introductions.

Paul asked for approval of the February 27th minutes.

II. Minutes:

The minutes for the February 27, 2013 JJAG meeting were approved.

Motion: To approve the February 27, 2013 Minutes

Moved: Mark Boger/Jim Foss/2nd

Action: Approved

III. Chair Report – Paul Vestal, Jr.:

Paul stated that his report will be intertwined with other reports.

IV. Presentation – Dr. Joe Fitzpatrick, Associate Commissioner for Juvenile Services - MDOC:

Dr. Fitzpatrick began his presentation by updating everyone on his background with the Department of Corrections and the changes in the Department during the years that he worked as a Clinical Psychologist. Dr. Fitzpatrick spoke of the juvenile division and the accomplishments that have been achieved and he praised the work of former Associate Commissioner Barry Stoodley for his leadership and insight to keep the department moving. Dr. Fitzpatrick spoke of Commissioner Ponte's commitment to continuing to move forward to do the outreach, collaboration and bridge building with the community to progress the juvenile side and take a critical look at what we've

been doing. Dr. Fitzpatrick stated that his role is to take a look at where we want to be, talk to the people who are out there doing the job, and see if there is more we should be doing. Dr. Fitzpatrick stated that the second piece of what the Commissioner is looking for is the utilization and the capitalizing of some of those advances we've made on the juvenile side to use on the adult side and he referenced the adult juvenile offender program they are working out at Mountain View. Dr. Fitzpatrick also addressed the difficulty in keeping clinicians in a correctional setting and stated that the Commissioner wants him to take a look at how to keep good professionals in our system. Dr. Fitzpatrick also spoke about the Correctional Care Solutions Contract with Department of Corrections which now includes all treatment services under one umbrella. He also stressed the commitment of the Commissioner on not compromising clinical care for saving money. In wrapping up his presentation, Dr. Fitzpatrick emphasized his commitment to stay connected and listen to anyone and encourages anyone who agrees or disagrees that he will listen and they can put anything on the table at any time.

V. Juvenile Justice Specialist Report – Kathryn McGloin:

Kathryn handed out a new and updated membership list as part of the Three Year Plan and explained her concern at so few youth members. There is a danger of being found out of compliance with the potential to lose funding. Potential youth members have been identified.

Kathryn reported that she received notice that the JJAG Web page does not fall under the DOC umbrella anymore and the update cost is estimated at \$1600. She has pushed back and asked for some clarification. She expects to be able to report back next month.

The MDOC attorney confirms that changes in the State statute on the JJAG must be done in the fall.

Kathryn stated that we did very well with the grant applications and we're able to fund four out of fourteen programs.

- Broadreach Family and Community Services
- Five Town Communities That Care
- Trekkers, Inc.
- Regional School Unit 23

The Three Year Plan will be submitted within days. The JJAG will have the opportunity for review and approval. The Commissioner will review after the JJAG's approval.

VI. Compliance Monitor Report – Ryan Andersen:

Ryan reported that since the last JJAG meeting, there have been no suspected or confirmed regulatory violations in terms of juvenile holdings. There are some issues

with immigration and customs in enforcement and detaining special wards (juveniles) known as “illegal aliens” beyond 24 hours in our juvenile facilities. Ryan has been in continuous contact with them to resolve this situation. Ryan stated that OJJDP requires that we classify and monitor all the court facilities in the state. Judge LaVerdiere put him in touch with the State Marshal in charge of the facilities and a monitoring schedule has been developed. Ryan begins with Aroostook County and the five court facilities there. Ryan developed a Memorandum of Understanding for the facilities. Diane Sleek, DOC Attorney, will review and provide feedback.

VII. Disproportionate Minority Report – Noël Bonam:

Noël explained that Ryan has been helping him, along with Lt. Janine Roberts in coordinating the Effective Police Interactions with Youth Training. Noël stated that 25 officers have signed up for the two day training. One of those trainings will be in Westbrook and another in Lewiston. After this training, we are hoping enlist some officers from that group who will train as trainers. Lt. Roberts is working with the Chiefs directly. No date has been set for the Train the Trainer course. Noël thanked Ryan for his help.

Noël updated everyone that the Youth Advisory Committee has met and will be meeting again next week. They are ready to work on a project.

There is a meeting for the state DMC committee in April and by the end of April we will have a large DMC committee in Cumberland County.

VIII. Committee/Department Reports:

Christine Thibeault, Legislative Committee – Christine reported that there was a lot going on in Augusta. Christine spoke on the sexting proposal. LD 662 “An Act Regarding Sexually Explicit Text Messaging by Minors.” Christine stated that there was a public hearing on this about two weeks ago and there is a concept in the Legislature right now, but there is no clarity on its intent. Christine read the language in the bill, explained how and why it came about and discussed issues in the bill. She reported on some of the comments made at the hearing. The JJAG didn’t take any position on this but did caution the committee to think about whether or not they wanted to create a specific juvenile crime. Christine stated that she informed the committee that she would bring this issue back to the JJAG for its comments and once the JJAG had discussed it, she would report back to Rep. Dion and the committee on what we believe could be done to address the problem.

Comments and suggestions:

- No one knows how to respond
- There are statutes and school policies that can be used
- Community Review Board would work well
- Hesitant about creating a new law
- Need to figure out how big the problem is

- Define the problem and taking it nationally and locally to see if there is an intervention program
- Check with School Resource Officers and Administrators
- Do not criminalize adolescent behavior
- There are some laws already in place for this type of problem
- “Concept Bill” was explained to the members that if no one moves it forward as a concrete proposal, it just dies (It was explained that the JJAG would not want to inadvertently be the group that moves this forward.)
- JJAG should monitor it very carefully but if no one brings this forward, it will die out

After a lengthy discussion, along with suggestions, it was decided that the JJAG monitor this bill very carefully and if it comes up, participate, and if it doesn’t come up, just let it die. The JJAG will let Rep. Dion know that the JJAG does not want to move forward on this bill, but if it does come up, give the JJAG a heads up so they can participate.

Christine moved on to the next bill presented by Rep. Dion on behalf of the Criminal Law Advisory Commission (CLAC) which amends the juvenile code. LD 1112 – “An Act to Amend The Maine Juvenile Code and Related Statutes.” Christine explained the language in this bill and discussed some of the changes.

There is a section of this bill that gives juveniles the option to plead not criminally responsible by reason of insanity, but doesn’t set out any court response for that.

There was a discussion and concerns were raised about attorneys using this as a defense and the cost of forensic evaluations. Information was brought to the attention of the members that, at the present time, there was nothing in place for juveniles who really are mentally incompetent to plea not ‘criminally responsible by reason of insanity.’

Another issue with this bill is that it would allow a juvenile to enter an admission through his/her attorney by correspondence and not appear in court. Christine emphasized her concern over the importance of that initial appearance to meet with family members and work out services available to the juvenile and conditions of release.

There was a discussion on the importance of that first appearance, but it was also pointed out that, in some cases, it may be appropriate for a juvenile to be allowed to plea through an attorney by correspondence. Some of those issues discussed were:

- if the juvenile is being held at a psychiatric facility
- not emotionally able to appear
- disruption of treatment
- held at another facility
- Media attention.

After a lengthy discussion on the pros and cons of this bill, it was decided to put a

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motion before the committee in support of this bill with two caveats.

Motion: To support the proposal with two caveats:

1. We recognize that there will be continued efforts to create a response when a juvenile is found not criminally responsible.
2. We recommend clarity around the issue of entering an answer to a juvenile petition by counsel by allowing the court to refuse to accept an answer by mail and require the juvenile be present in court for an initial appearance.

Moved: Christine Thibeault/Jonathan Shapiro/2nd

Action: Approved

Abstentions: 1 (Judge Charles LaVerdiere)

Jonathan Shapiro, Public Safety – Sgt. Shapiro stated that on June 4th the Restorative Justice Institute of Maine will be hosting a conference on restorative practices with four national presenters. He believes that the State of Maine can benefit from this information. Jonathan stated that details continue to be worked out and that he asked for some slots to be available to JJAG members if they wanted to attend.

Jonathan discussed the meeting for the Old Orchard Beach Juvenile Review Board project and stated that it's coming together very well and they have scheduled their next case. Jonathan reported that the first case was met with outstanding results and approval and everyone involved was very happy with the outcome.

Sgt. Shapiro updated everyone on The First Response on Juveniles in Crisis, which had 46 cases, up from last year; parents stating lack of insurance and getting additional services; and out of 46 cases there were half a dozen repeat cases. There were no complaints and everyone was quite pleased with this process. Jonathan reported that mediation services are going very well.

Jonathan reported that Ned Chester, Kathryn McGloin and he met with Chris Northrop and an intern on the JJAG's response to safe schools issue, particularly centered on the Connecticut incident and the second meeting will be coming up next month to address communication sharing and how to get interventions in very early on for kids who are displaying troubling behavior.

Jonathan mentioned his consultation with the Restorative Justice Institute on a project at Long Creek on a restorative reintegration project with children and to help with any recidivistic issues and reintegrate back into the community, but done on a restorative model.

Patrick Walsh – Communications – Patrick reported on the Communications Committee and announced the two members as himself and Dalene Dutton. Patrick welcomed anyone who wanted to be on the committee to let him know. Patrick circulated information on a project called "Five Facts in 40 Seconds" and explained

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how it began. Patrick stated that some of the information was outdated and he was going to take another look at it. Patrick informed everyone that after approval from DOC, this information will be distributed on a weekly basis to members of the Legislature to look at a variety of issues the JJAG is concerned about.

Patrick also spoke about a discussion which took place at the February JJAG meeting regarding a job fair held at Charleston and Mountain View and JJAG working with the Department of Labor to put together a publication for young people about the impacts of a criminal record and employment prospects. Patrick stated that he has reached out to some youth job developers and received information about some resources that could be available. Patrick also mentioned that he has a list of employers in Maine who do not have a problem with hiring ex-offenders and he also has information about a federal bonding program for employers who would like to protect themselves against theft. Patrick mentioned that it would be great if there were some other people who were interested in working on this who have particular expertise in youth employment so we could begin to draft some information for both youth and families and employers.

Carla Knapp stated that she just wanted to go back over what Jonathan had said about working on the Annual Report with Kathryn, and that she did notice that we are out of compliance with the membership and going back to what was said for the nominations committee, it is noted on Pages 1 through 7 of the by-laws, we can create a special committee to work on getting us back into federal compliance. Carla asked if she should make a recommendation or a motion to form a nomination committee. Paul stated that she could, but don't need that because he could authorize that. Carla stated that she was reading that the JJAG has to do it or the Chair. Paul stated that he would put something out.

XIX. Adjourn:

The meeting adjourned at 11:20 AM.

The next meeting will be April 24, 2013 at Long Creek Youth Development Center from 9:00 AM to 2:00 PM.