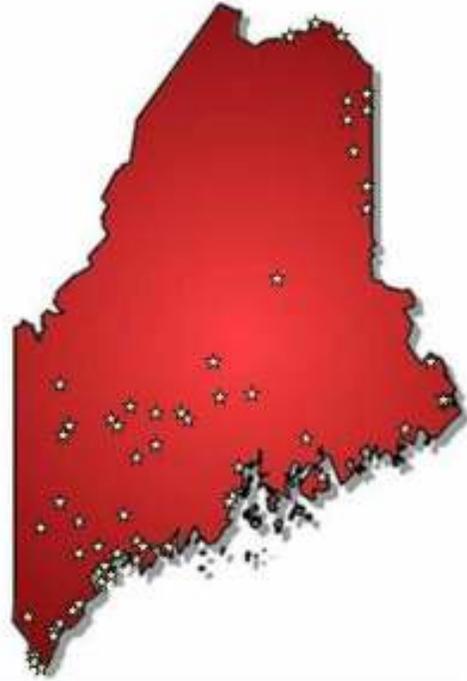


STATE OF MAINE  
**JUVENILE JUSTICE ADVISORY GROUP**  
*2011 ANNUAL REPORT*



*“The mission of the Maine Juvenile Justice Advisory Group is to advise and make recommendations to state policy makers and to promote effective system level responses that further the goals of the Juvenile Justice and Delinquency Prevention Act.”*



To: The Honorable Paul R. LePage, Governor and the Maine State Legislature

**Juvenile Justice Advisory Group Annual Report for 2011**

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**2011 Responsibilities and Activities of the Juvenile Justice Advisory Group (JJAG):**

The JJAG’s primary responsibilities include: 1) compliance with the core requirements of the Act, 2) development of a state three-year juvenile justice plan and, 3) making grants and monitoring outcomes.

Federal legislation titled the Juvenile Justice and Delinquency Prevention Act (JJDP), 42 U.S.C. 5633 [Sec. 223], was enacted in 1974 and this marks the twenty-eighth full year of Maine’s participation and establishment of the Maine Juvenile Justice Advisory Group (JJAG). The JJAG was authorized by Maine Statute in 1984, 34-A MRSA Section 1209.

*Members are appointed by the Governor for a four-year term and serve in a voluntary capacity, providing input and direction to the state on issues concerning juvenile justice. Members represent communities, state agencies, non-profit organizations, and youth.*

<p><b>Paul K. Vestal, Jr., Chair</b> Operations Director, Children’s Services Catholic Charities Maine Bangor</p> <p><b>Edwin Chester, Vice Chair</b> Juvenile Defense Attorney Chester &amp; Vestal Portland</p> <p><b>Mark Boger</b> Director of Interstate Compact, Juvenile Services Department of Corrections Augusta</p> <p><b>Richard Brown</b> Chief Executive Officer Charlotte White Center Dover -Foxcroft</p> <p><b>Lt. Abigail Comee-McCourt</b> Youth Member Maine Army National Guard Bath</p> <p><b>Dalene Dutton</b> Executive Director Five Town Communities That Care Rockport</p> <p><b>James Foss</b> Jail Administrator, Aroostook County Houlton</p>	<p><b>Denise Giles</b> Coordinator, Victim Services Department of Corrections Augusta</p> <p><b>Jacinda Goodwin</b> Prevention Specialist, Office of Substance Abuse Department of Health &amp; Human Services Augusta</p> <p><b>Jamie Johnson</b> Youth Member &amp; Program Officer Maine State Housing Authority Farmingdale</p> <p><b>Hon. Charles LaVerdiere</b> Chief Judge of the District Court Augusta</p> <p><b>Sheriff Randall Liberty</b> Sheriff, Kennebec County Benton</p> <p><b>Margaret Longworth</b> Director of Clinical Services OHI Hermon</p> <p><b>Joan McDonald</b> Chief Executive Officer Girl Scouts of Maine Portland</p> <p><b>Hannah McMullen</b> Youth Member Maine Law Student North Anson</p>	<p><b>Daniel Nichols</b> Parent Augusta</p> <p><b>Douglas Patrick</b> Children’s Systems Manager Office of Child &amp; Family Services Department of Health &amp; Human Services Augusta</p> <p><b>Sgt. Jonathan Shapiro</b> Maine State Police York County</p> <p><b>Patricia Shorey</b> Youth Member Maine Law Graduate Portland</p> <p><b>Bartlett H. Stoodley</b> Associate Commissioner, Juvenile Services Department of Corrections Augusta</p> <p><b>Christine Thibeault</b> Assistant District Attorney, Juvenile Prosecutor Cumberland County Portland</p> <p><b>Patrick Walsh</b> Program Director Broadreach Family &amp; Community Services Belfast</p>
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## 2011 JJAG ACTIVITIES

- Member of the Coalition for Juvenile Justice
- Member of the Federal Advisory Committee on Juvenile Justice
- Member of the Juvenile Justice Implementation Council (JJIC)
- Supporter of the Juvenile Detention Alternative Initiative (JDAI)
- Received the 2011 Collaborative Problem Solving<sup>®</sup> Trailblazer Award from the Lives in the Balance organization

### I. Monitor

Maine's compliance with the core requirements of the JJDP Act Core Protections requires that:

1. Status offenders (tobacco, runaway, truant) may not be securely detained
2. Juveniles may not be detained in adult jails except to process and release
3. Youth may not be subject to sight or sound contact with adult inmates while in detention
4. The disproportionate number of minority juveniles who come into contact with the juvenile justice system is monitored to ensure equal and fair treatment for youth involved in the juvenile justice system, regardless of membership in a minority or majority population group.

- **2011 Status of Maine Compliance with JJDP Act Core Protections**

Maine had few violations of the core protections of the Act in 2011 and continues to be in full compliance by the OJJDP. Generally the highest risk to compliance with the core protections is the secure holding of a youth beyond the time limit allowed. **There were six (6) violations in 2011.** Four (4) of these violations were jail removal violations, in which a juvenile was held beyond time limits, and two (2) were deinstitutionalization of status offenders violations, in which a juvenile was inappropriately held securely for a status offense (truancy, running away, possessing alcohol, etc.).

### II. Advise and Inform:

The JJDP Act of 1974 requires the JJAG to advise government in delinquency prevention. To that end the following plans and reports were developed:

*Annual Report to the Governor* – This report offers information on children served, funding awarded, compliance, and legislation.

*Annual Recommendations to the Federal Advisory Committee on Juvenile Justice* – Outlines Maine's priorities for juvenile justice at the federal level.

### III. Fund and Monitor Grants

The Federal Act consists of three funding categories: 1) Title II, Formula Grant Funds, 2) Title V - Delinquency Prevention Funds, and 3) Juvenile Accountability Block Grants.

- *Title II, Formula Grants* - The act provides each state with formula grants that are allocated on the basis of each state's population under the age of 18. These grant funds support a variety of juvenile justice and delinquency prevention programs and services as long as the state remains in compliance with the core requirements of the Act.
- *Title V - Delinquency Prevention Funds* - As part of the 1992 reauthorization of the Act, Congress established a new funding category, Title V, Incentive Grants, for local juvenile delinquency prevention programs. Funds under Title V are awarded to communities that develop comprehensive delinquency prevention plans at the local (municipal and county) level. Title V funds are allocated to states based on the population under the age of 18.
- *Juvenile Accountability Block Grant* - The act provides each state with a Block Grant that provides financial assistance to eligible governmental agencies who develop projects designed to prevent juvenile delinquency.

In 2011, JJAG funding served **1,648** youth in the state of Maine.

American Indian/Alaskan Native	Asian	Black/African American	Native Hawaiian/Pacific Islander	White (includes Arab and Middle Eastern Countries)	Hispanic	Other/Unknown
73	12	31	0	1,509	18	5

## 2011 Funded Programs

### **Cobscook Community Learning Center - \$11,350** *(Title II, Formula Grant)*

Funds the Disproportionate Minority Contact coordinator position. The DMC coordinator is responsible for helping direct and coordinate the State's data gathering, interpretation, use, and monitoring with the Justice Policy Center, Muskie School of Public Service, the Juvenile Justice Advisory Group, and the Juvenile Justice Specialist. Using best practices, the coordinator guides the State's efforts toward addressing the most disproportionate segments of the juvenile justice system and geographical areas of the State.

### **Broadreach Family and Community Services - \$43,750** *(Title II, Formula Grant)*

Funds Youthlinks, which runs Lions-Quest, a model program that develops and runs after-school activities for 5<sup>th</sup> and 6<sup>th</sup> grade students in Rockland and Thomaston.

### **Five Town Communities that Care - \$43,600** *(Title II, Formula Grant)*

Funds the Skills Training and Recognition (STAR) model after-school program for youth in the 5<sup>th</sup>-9<sup>th</sup> grades from Appleton, Hope, Camden, Rockport, and Lincolnville.

### **Houlton Band of Maliseet Indians - \$2,500** *(Title II, Formula Grant/American Indian Pass-Through)*

Funds a youth program devoted to enhancing awareness of Native culture, increasing ties to the community, and focusing on health (physical and mental), and nutrition.

### **Lisbon Police Department - \$3,250** *(Title II, Formula Grant)*

Funds the LE<sup>2</sup>AD (Lisbon Education & Delinquency Prevention) Program that, using best practices, operates in conjunction with Lisbon High School and surrounding businesses to help struggling students gain a high school diploma or GED, and/or find employment.

### **Riverview Foundation - \$106,200** *(Title II, Formula Grant)*

Separately funds the Leadership and Resiliency Project and the Youth Horizons Program, both model programs, offered by the Riverview Foundation to youth in Portland, Biddeford, South Portland, Scarborough, Brunswick, and MSAD #75 (Bowdoin, Bowdoinham, Harspswell, Topsham).

### **The R.E.A.L. School & Teen Aspirations Program - \$78,900** *(Title II, Formula Grant)*

Funds the Windham-Raymond School District's R.E.A.L. School with their suspension and/or expulsion alternatives initiative and the model Restorative Learning Program for youth in the southern Maine area. The model Teen Aspirations Program is a year-round complementary program to further students' personal self-worth.

### **University of Southern Maine's Muskie School of Public Service - \$84,400** *(Title II, Formula Grant)*

Funds supportive research done by Muskie: 1) for the Juvenile Justice Implementation Council, 2) for Disproportionate Minority Contact work, 3) to create Formula Grant Evaluation tools for subgrantee use.

### **Juvenile Accountability Block Grant - \$276,279**

Funds programs such as Communities for Children & Youth's Diversion to Assets model program and LearningWorks' alternatives to detention model program, trainings like Trauma Affect Regulation: Guide to Education and Training, and tools like Performance Based Standards monitoring, that all work towards updating, creating, evaluating and improving programs to prevent delinquency in Maine youth.

### **CPS Initiative - \$80,300** *(Title V-Delinquency Prevention Funding)*

Funds Dr. Ross Greene and his staff to train school teachers and administrators around the state to implement his Collaborative Problem Solving<sup>®</sup> model. The CPS model provides strategies to reduce negative behavior in youth ages 5-18. Originally implemented in Sanford, the funding provided assistance to the following schools in 2011, serving close to a thousand youth: Cape Elizabeth High School, Central School in South Berwick, Connors-Emerson School in Bar Harbor, Durham Community School, Fort Street Elementary School in Mars Hill, Georgetown Central School, Limestone Community School, Morse Street School in Freeport, Rangeley Lakes Regional School, and Sebasticook Valley Middle School in Newport.

## Results

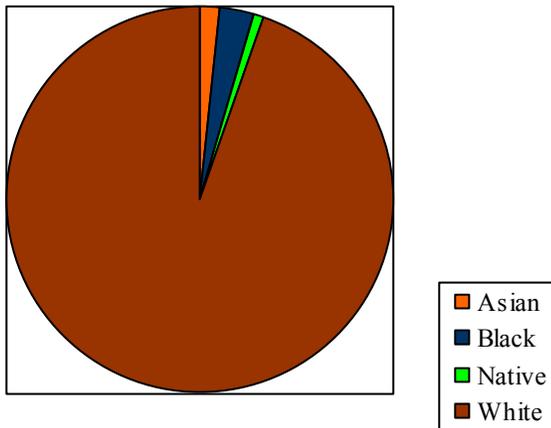
Programs funded by the JJAG have reported, on average, **67%** of their staff received additional training while using JJAG assistance. They also report the following about the youth they serve:

- **74%** of youth are exhibiting a desired change in regard to school attendance
- **67%** of youth are exhibiting a desired change in regard to substance abuse
- **64%** of youth are exhibiting a desired change in regard to family relationships
- **78%** of youth are exhibiting a desired change in regard to anti-social behavior

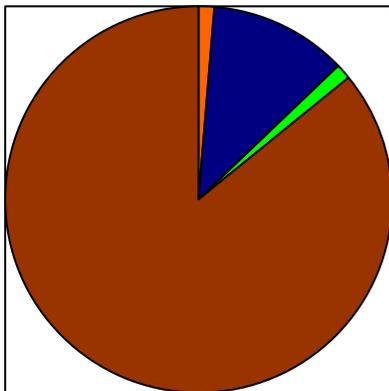
## Disproportionate Minority Contact

The Juvenile Justice Advisory Group is dedicated to helping Maine youth in all stages of the juvenile justice system. Much of the current work of the JJAG is focused on *disproportionate minority contact* (DMC) – when minority youth are becoming involved with the juvenile justice system at a greater rate than what is representative. The following 2011 detention data for juveniles is clear evidence of the continued importance of JJAG’s work regarding DMC.

**2011 Maine Youth Population**



**2011 Detained Youth Population**



*The charts to the left depict the difference between Maine’s 2011 total youth population and its detained youth population. The disparity represented is actually a 4.5 greater likelihood of black youth detainment, compared with white youth detainment. Black youth also served 36 days in detention, on average in 2011, while white youth served 22 days, on average, a difference of two weeks time. The disparity seen between the two charts represents four and a half times more black youth being detained than white youth, compared with their representational populations. Black youth also served an average of 36 days in detention in 2011, while white youth served an average of 22 days, representing a two week difference.*

The JJAG dedicated itself in 2011 to DMC work by working with and creating diverse stakeholder committees and advisory councils like the Cumberland County Committee (CCC) and the Youth Advisory Council (YAC). These committees/councils have been very active and have played a pivotal role in the success of the DMC efforts in Maine. The JJAG Specialist and the DMC Coordinator also met with the Chiefs of Police in Portland, South Portland and Westbrook to build on the partnership that was initiated in the previous year to enhance the DMC efforts in Maine, and the JJAG established a minority youth support group at the Long Creek Youth Development Center (LCYDC) that is facilitated by a trained counselor and meets every other week.

In addition, 27 police officers from across the state were trained in the “Effective Police Interactions with Youth” training, which is a signature DMC reduction training for police officers developed by the Connecticut state advisory group. Nine police officers were also trained as trainers. The goal is that these nine officers will offer regional trainings to other police officers next year and that they will do so on an annual basis.

The JJAG will continue its DMC work, in association with the University of Southern Maine’s Muskie School of Public Service and its half-time DMC Coordinator Noël Bonam, to make sure that in the years to come all youth are fairly represented in Maine’s juvenile justice system. The JJAG will also continue its funding of delinquency prevention and alternative to suspension/expulsion programs to lower the number of youth being referred and detained.

## 2011 Juvenile Law Updates

*The following are bills that the JJAG supported in 2011, and were enacted during the 125<sup>th</sup> Legislature. The JJAG votes to support or oppose bills related to juvenile justice in accordance with the Advise and Inform responsibility outlined in the Juvenile Justice and Delinquency Protection Act.*

### **LD 1040 - An Act to Amend the Maine Juvenile Code**

Effected three statutory changes: **1)** clarified that the Maine Bail Code does not apply to any person under age 18 regardless of whether they are arrested for a juvenile crime or a crime outside of the Juvenile Code; **2)** amended the Juvenile Code to prohibit a court from accepting an answer to a juvenile petition when the State has filed a motion to bind-over to the adult criminal court or has certified in writing that it may do so following further investigation; and **3)** authorized the Juvenile Court to enter a default judgment when a juvenile fails to appear in response to a summons alleging certain juvenile crimes, specifically those juvenile crimes that are not criminal if committed by an adult.



### **LD 1299 - An Act to Allow Deferred Disposition in Juvenile Cases**

Authorized the use of the sentencing alternative currently available in the criminal courts known as "deferred disposition." Pursuant to this new law, a juvenile may admit a juvenile crime and the court may defer disposition for several months or one year and impose certain conditions upon the juvenile, e.g., payment of restitution, obtain counseling, etc. Upon successful completion of the conditions, the juvenile may withdraw his or her answer and the State may dismiss the petition or submit a new petition for a less serious crime with the understanding that the juvenile will admit the reduced charge.



### **LD 1413 - An Act to Amend the Juvenile Code to Address the Issue of Competency**

Created "from scratch" a comprehensive statute to address the issue of adjudicative competence in the juvenile court. Prior to enactment of this statute, Maine had no statutory mechanism for acknowledging that some juveniles may not be competent to proceed in the juvenile court due to cognitive deficits, mental health issues, or chronological immaturity. LD 1413 was a collaborative effort of the Juvenile Justice Advisory Group, the State Forensic Services, the Maine Criminal Law Advisory Commission, judges, defense attorneys, prosecutors, the Department of Corrections Juvenile Services and the Department of Health and Human Services. This law enumerates factors the court should consider when determining adjudicative competency of juveniles, authorizes the court to take action upon finding a juvenile lacks adjudicative competency, and clarifies that if a juvenile is bound over to be tried as an adult, the adult standards for determining competency apply to the individual after the juvenile court waives jurisdiction.



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