

Maine Children's Alliance

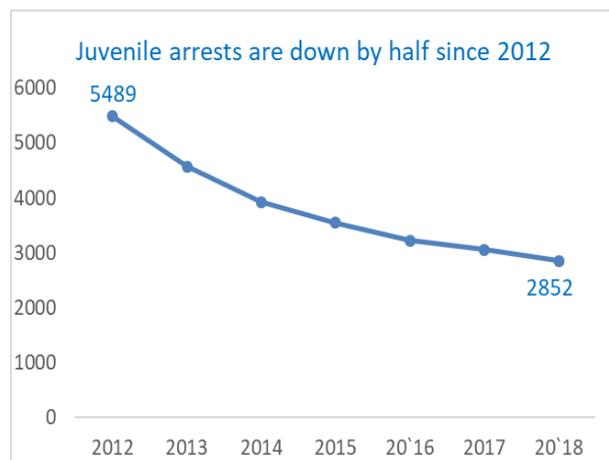
YOUTH INCARCERATION REDUCED DURING COVID-19: 2020

To become successful adults, young people need basic, essential supports like nurturing relationships with caring adults, positive educational environments, and health care, including mental and behavioral health services. When young people have these positive experiences early in life, it shapes their brain development toward good decision-making and impulse control. Yet many young people have Adverse Childhood Experiences (ACEs) that do not support their positive development.

Additionally, brain science tells us that teens and young adults have not reached maturity¹ – meaning that their problem-solving and decision-making capacities are not fully developed. This makes it more likely they will engage in risky behaviors and make errors in judgement. When these actions put them in contact with the criminal justice system, they are all too often treated like adults, rather than young people who are still growing, learning, and capable of change.

When youth are incarcerated, there are short- and long-term negative effects for both the youth and the community. Incarcerated youth often lack access to the behavioral health and positive adult supports that could help strengthen their development and address challenging behaviors. Formerly incarcerated youth are also more likely to recommit crimes, resulting in poor outcomes for themselves, and less safety in their communities. One of many such studies on the impact of incarceration on youth, the Annie E. Casey Foundation's report, *No Place for Kids*², concluded that juvenile incarceration is, amongst other things, dangerous and ineffective.

In recent years, Maine has succeeded in reducing the number of youth incarcerated. Since 2012, the numbers of youth arrested and incarcerated have both dropped sharply. Arrests in 2019 were half what they were in 2012, and the number of youth incarcerated decreased by two-thirds. The reduction in incarcerations can be attributed to the decreased arrest rates, as well as the increased use of diversion and alternative sentencing.



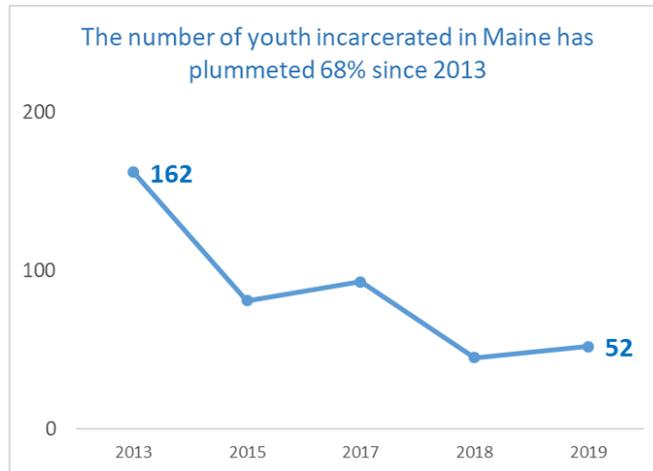
Source: [KIDS COUNT Arrests of Juveniles](#)

¹ What Are the Implications of Adolescent Brain Development for Juvenile Justice?, Coalition for Juvenile Justice, Office of Justice Programs, U.S. Department of Justice, 2006 https://www.juvjustice.org/sites/default/files/resource-files/resource_138_0.pdf

² No Place for Kids, Richard Mendel, Annie E. Casey Foundation, 2011 <https://www.aecf.org/resources/no-place-for-kids-full-report/>

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Source: [KIDS COUNT youth-residing-in-juvenile-correction-facilities](#)

Maine youth incarceration during the pandemic

In mid-March, when it became clear that schools and businesses should close to slow the spread of COVID-19, state officials quickly took steps to reduce the risk to youth incarcerated in Maine. After the Department of Corrections staff reviewed the records of all 49 young people incarcerated at Long Creek, 20 were deemed eligible, and were safely released by April 3, 2020. This included youth who were incarcerated but had stepped down to living in one of two small transitional homes, where they were already working in the community and preparing to leave Long Creek. In addition, Maine, like many other states, worked to reduce admissions in detentions at the juvenile corrections facility. The reduction of the number of juveniles incarcerated in Maine during the first month of the pandemic was more than any other state.³ In Maine, the number of youth detained decreased by 55% and the number of youth committed decreased by 18%. This significant reduction can also be seen nationally. By June, it was reported that “the drop in admissions to youth detention in two months matches the reduction in admissions to juvenile corrections over the last 13 years.”⁴

Since people living in congregate settings like prisons are not able to practice social distancing and come into contact with many people each day, it has been critical for the health and safety of youth in detention, to be placed in alternative settings whenever possible. The need for this action has been evidenced at the national level, where 627 youth have been diagnosed with COVID-19 while in a juvenile correctional facility, as of June 10th. This is nearly three times the number that had been diagnosed as of May 6th. Meanwhile, as of June 10th, Maine had no cases of COVID-19 in youth who are incarcerated.⁵

³ At Onset of the COVID-19 Pandemic, Dramatic and Rapid Reductions in Youth Detention, Annie E. Casey Foundation Blog Post, April 23, 2020 <https://www.aecf.org/blog/at-onset-of-the-covid-19-pandemic-dramatic-and-rapid-reductions-in-youth-de/>

⁴ Youth detention admissions fell by half in two months” Philanthropy News Digest, June 2020, <https://philanthropynewsdigest.org/news/youth-detention-admissions-fell-by-half-in-two-months-survey-finds>

⁵ COVID-19 in Juvenile Facilities, Josh Rovner, The Sentencing Project, September 2020, <https://www.sentencingproject.org/publications/covid-19-in-juvenile-facilities/>

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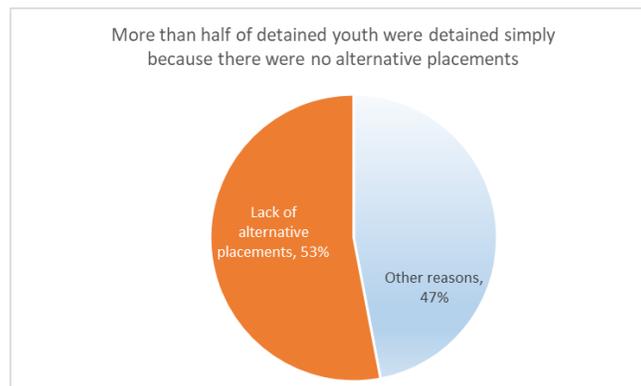
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Maine's success was a result of legislation, expert consultation, and purposeful action

In May 2019, state legislation created the Maine Juvenile Justice System Assessment & Reinvestment Task Force to develop a plan of community services and alternative placements with the goal of ending the incarceration of youth by 2022. Chaired by Rep. Mike Brennan, Jill Ward of the Maine Center for Juvenile Policy and Law, and Commissioner Randall Liberty of the Department of Corrections, the task force also included members who were previously in the juvenile justice system or had a family member who was.⁶

The Task Force enlisted the help of several national organizations, including the [Center for Children's Law and Policy](#) (CCLP) and the [Vera Institute of Justice](#). CCLP completed a comprehensive system assessment with recommendations⁷, based on six focus groups with youth who had been in Maine's juvenile justice system, four town hall meetings held across the state, and 480 survey responses from interested parties. The report also incorporated an analysis of the records of youth detained and committed from 6/1/18 to 5/31/19. Separately, the Vera Institute conducted a case file review of 70 girls who had been committed or detained in Maine in 2018 and produced a blueprint for Maine to end the incarceration of girls.⁸

The Task Force report found that Maine could decrease its admissions to detentions safely, since more than half of the youth that were detained were there due to a lack of alternative placements, and 45 percent of the youth detained were not deemed a serious risk to the public. For the committed youth, 42 percent were there for crimes that did not involve physical harm to someone else, and there was convincing evidence that for committed youth deemed medium or low risk, their lengths of stay exceeded best practices.



Since the pandemic hit, the Maine Juvenile Justice Advisory Group has secured \$62,000 to be spent for specific youth in the next six months to keep them in the community and to keep other youth involved

⁶ Maine Juvenile Justice Task Force website, <https://www.mainejjtaskforce.org/>

⁷ Maine Juvenile Justice System Assessment Prepared by the Center for Children's Law and Policy, the Juvenile Justice Research and Reform Lab at Drexel University, and the Center for the Study of Social Policy, February 2020 <https://www.mainejjtaskforce.org/resources>

⁸ Initiative to End Girls' Incarceration by Lindsay Rosenthal, November 2019, <https://www.vera.org/projects/the-initiative-to-end-girls-incarceration/related-work>

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in the juvenile justice system from entering Long Creek. For the 24 committed youth and eight detained youth who remained at Long Creek, the Juvenile Justice Task Force convened regional care teams to safely expedite returning these youth to their communities.

In the past year, Maine leaders in juvenile justice completed two important systemwide assessments, both of which included the lived experience of youth who had been incarcerated. And during the COVID-19 emergency, the state has taken action to protect the health of incarcerated youth by finding ways to release them safely, which also helped reduce the spread of the virus, providing more protection for us all. By taking these steps, Maine is leading the way in re-centering the focus of the juvenile justice system – from one of costly and ineffective punishment - to one that provides proven alternatives for youth involved, that supports their development and helps guide them on the road to becoming productive and healthy adults in our society.

Even with significant improvements in Maine's juvenile justice system, there is still work to be done. Our juvenile justice system must be grounded in the understanding that teens are not yet adults with the fully developed brains necessary for good judgement and decision-making. Our systems of community treatment and alternative placements - to both prevent youth from being detained and to reduce lengths of stay for youth who are committed – should reflect the value of mentorship and supportive services as the best means of rehabilitating young people.

And we must respond to the fact that in Maine, as in most states, even when the offense is the same, a Black youth is more likely to be incarcerated than a white youth.⁹ Specific attention must be given to address this inherent racism in our policing and sentencing policies, so every youth who encounters the juvenile justice system is treated fairly.



Given what we know about the ineffectiveness of youth incarceration, the harm we know it causes young people who are still developing, and the lack of increased safety it provides to communities, it is incumbent upon us all to ensure that state officials and policymakers continue in their efforts to curtail the use of incarceration for young people in Maine. When youth who have committed crimes are instead connected to supports and alternative placements in their communities, they have a much better chance of becoming healthy, contributing adults, which is a benefit to us all.

⁹Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System by Robyn Dumont, Erica King, and George Shaler, 2015
<https://www.maine.gov/corrections/jjag/PDF/DMC.FINAL.05.15.2015.pdf>