

July 27th, 2021

York County Commissioners
c/o Commissioner Richard Dutremble
45 Kennebunk Road
Alfred, ME 04002

Greetings Commissioner Dutremble,

My name is Maryam Mohammed-Miller, the Advocacy Manager for the Vera Institute of Justice's Initiative to End Girls Incarceration (EGI). The Vera Institute is a 60-year-old national nonprofit that brings data, evidence, and solutions to build and improve justice systems that ensure fairness, promote safety, and strengthen communities. EGI works to zero out the country's confinement of girls and gender expansive youth by 2030. Through partnerships in jurisdictions in several states, including Maine, we aim to create reforms and programs that will better support the well-being of young people in their communities, address the root causes of their incarceration, and permanently close the doors to girls' juvenile detention and placement facilities.

We urge Maine counties to prioritize the needs of girls and gender expansive youth with the American Rescue Plan Act (ARPA)'s Coronavirus State and Local Fiscal Recovery Funding. Communities in Cumberland, Androscoggin, and York, specifically, can benefit the most from investments in prevention and diversion programs and affordable housing solutions to keep young people from being confined in the criminal legal system. ARPA's statutory language and the U.S. Treasury Department guidance are written broadly to allow jurisdictions to make innovative and customized investments like this.

The Need: Decades of research on juvenile correctional facilities shows they are ineffective and counterproductive in reducing future unlawful behavior, with studies consistently finding high rates of recidivism in the years following release and an increase in risk levels after incarceration.¹²³⁴ Given these poor outcomes, the National Research Council recommends that incarceration should be used "sparingly and only in response to serious offenses" and finds that incarceration is "not ordinarily needed to hold youth accountable."⁵

Girls in the Maine's juvenile secure facility at Long Creek have complex needs that incarceration does not and should not address. A case file review conducted with our partners at New York University of 25 girls detained at Long Creek from 2014 to 2019 revealed that the girls had prior traumatic experiences, including those that would qualify as child abuse, sexual assault, and commercial sexual exploitation or "trafficking." The girls also experienced criminalization in and disconnection from school, significant mental health needs, and experiences with poverty. Youth from Cumberland, Androscoggin, and York counties represent a disproportionate amount

of the young people involved in the criminal legal system in Maine. A report by the Center for Children’s Law and Policy found that between June 1, 2018 and May 31, 2019, 64% of youth detention cases at Long Creek were from these three counties.⁶ Additionally, 58% of committed youth were arrested in Cumberland, Androscoggin, or York counties during the same period.⁷ In Androscoggin, a report by Place Matters found that youth in the county were referred to the juvenile justice and child welfare systems at higher rates than youth in other counties. They were also more likely to experience homelessness; in 2018, 160 youth in the county’s school system were homeless. These findings suggest that youth in the county are more likely to have experiences with the juvenile justice system, housing instability, and poverty than youth in other parts of the state.

Finally, incarceration disproportionately impacts girls of color in the state. The per capita rate of confinement of Black girls is 10.8 times that of white girls and the confinement of Native American girls is 2.1 times higher.⁸ Youth of color in Androscoggin, Cumberland, and York counties experience higher rates of contact with the criminal legal system in the state with Black youth having higher rates of contact than White youth.⁹ A 2015 study found that Black youth in Cumberland and Androscoggin counties were diverted from the juvenile justice system at lower rates than White youth, though rates in Cumberland increased for Black youth over the last four years of the reports analysis (using data for 2008-2011); after the increase, black youth in Cumberland were diverted at just over half the rate of white youth in the study.¹⁰

While the state has, since 2019, reduced rates of youth in the juvenile justice system through state-funded programs, counties also have an important role to play to ensure that every girl and lesbian, gay, bisexual and transgender (LGB/TGNC) in their county has the services they need to stay in their home communities. Androscoggin County can use ARPA monies to fund solutions that support these young people.

The ARPA Solution: York County will receive \$40 million from the ARPA recovery fund. This is in addition to a variety of dedicated funds for community safety, treatment, housing, and health care that can support the expansion of community-based services for referrals. The recovery fund’s provisions, and U.S. Treasury Department guidance are written broadly to allow for jurisdictions to make innovative and customized investments like this. Further, the federal guidance emphasizes the use of funds on disproportionately impacted communities and increasing access to services that would drive catalytic fiscal and social change post-COVID.

- Eligible expenditures under Goal 1, COVID Mitigation and Prevention, include “supports for vulnerable populations to access medical or public health services;” “enhancement to health care capacity, including through alternate care facilities;” and “support for prevention, mitigation, or other services in congregate living facilities (e.g., incarceration settings),” among other options.¹¹ COVID-19 community transmission via congregate facilities, including juvenile detention facilities, has already happened and is areal,

ongoing threat. Decreasing the juvenile confinement population through expanding diversion programs, such as the Youth Advocate Program.¹² , Opportunity Alliance's Wraparound Program.¹³ , Tree Street.¹⁴ , and other community-based alternatives, is an appropriate way to mitigate and prevent further transmission.

- Eligible expenditures under Goal 2, Responding to Negative Economic Impacts, include a wide variety of services to build stronger communities, particularly those in qualified census tracts containing lower income individuals and families, as is the case in portions of Cumberland, Androscoggin, and York counties. The Interim Final Rule names a category of expenditures under “enhanced services to child welfare-involved families or foster youth”¹⁵ Because many girls and LGB/TGNC youth in the juvenile justice system come from child-welfare involved families or were foster youth, relevant services to serve this population, including expanding existing prevention and diversion services, could also be funded under this category. Funded services should be culturally competent, gender-responsive and reflect the needs of LGB/TGNC young people of color, victims of gender-based violence and trafficking, and accessible to families whose primary language is not English.
- Other funded services under Goal 2, Responding to Negative Economic Impacts, include housing solutions for girls. Housing options could be funded through supportive housing programs, housing vouchers, or housing navigation assistance, all named in the Interim Final Rule.¹⁶ Using this funding, instead of confining girls in juvenile justice facilities when youth do not have a safe place to live, counties can provide such housing through creative options such as:
 - *Small, low and no-barrier (walk-in, without requiring a referral) short-term housing options* for girls and gender expansive youth in crisis. These housing providers should have specialized expertise to help girls who are experiencing trafficking and be staffed by members of their communities or people who have shared lived experiences.
 - *Creating Host Home¹⁷ programs in each county.* Host home programs are a useful model for housing youth in rural communities but have the potential to support youth in urban areas in the county as well. They allow community members to open their homes to young people experiencing housing instability in a more informal way than an official child welfare or juvenile justice placement. Berwick and Brunswick currently have host home programs and can serve as a model for expanding access in more rural parts of Maine, especially in communities in York County. The counties can even expand on this model and implement host home programs focused specifically on girls and LGB/TGNC youth, including those experiencing trafficking.

We estimate that the cost for these programs to keep vulnerable girls out of juvenile detention is \$4.5 million dollars over the next three years.

As the counties begin to recover from the pandemic, we urge you to center the needs of girls and gender expansive youth in these efforts. ARPA funding presents a unique opportunity to creatively reimagine the juvenile justice system and ensure youth in York County can live full lives free of unnecessary involvement with the criminal legal system. We look forward to discussing these ideas further with you.

Best,

Maryam Mohammed-Miller
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Vera Institute of Justice

¹ A review of the literature on juvenile corrections by the Annie E. Case Foundation concluded that “backed by an array of evidence the case against America’s youth prisons and correctional training schools can be neatly summarized in five words: dangerous, ineffective, unnecessary, wasteful and inadequate.”¹ See Annie E. Case Foundation, *No Place for Kids*, (2011). available: <https://www.aecf.org/resources/no-place-for-kids-full-report/>

² The Urban Institute, “Closing Youth Prisons: Lessons from Agency Administrators,” (2020). available at: https://www.urban.org/sites/default/files/publication/101917/closing-youth-prisons-lessons-from-agencyadministrators_1.pdf and Patrick McCarthy, Vincent Schiraldi, and Miriam, “The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model,” (2015). Harvard Kennedy School and National Institute of Justice, available at: <https://www.ojp.gov/pdffiles1/nij/250142.pdf>

³ Edward P. Mulvey, *Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders* (Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, (2011). <https://perma.cc/WM59-QC4U>

⁴ For research in Maine, see Dumont, R. & King, E. *Youth recidivism: Diversion to discharge in Maine’s juvenile justice system.* (2017). Available from Maine Statistical Analysis Center, University of Southern Maine website: <http://muskie.usm.maine.edu/justiceresearch> The study found “Low risk committed youth who were reassessed prior to release increased in risk score, placing them at greater risk of recidivating upon release than they were prior to commitment. Thus, the commitment of low risk youth appears to be counterproductive.”

⁵ National Research Council. *Reforming Juvenile Justice: A Developmental Approach*, (2013). Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>; It should be noted that even for youth charged with serious offenses there is no evidence that long periods of incarceration are more effective than community

programs, see Edward P. Mulvey, Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders (Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, (2011). <https://perma.cc/WM59-QC4U>

⁶ Center for Children’s Law and Policy et al., “Maine Juvenile Justice System Assessment,” (2020). available at: <https://www.mainejtaskforce.org/>

⁷ Center for Children’s Law and Policy et al., “Maine Juvenile Justice System Assessment,” (2020). available at: <https://www.mainejtaskforce.org/>

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⁹ Dumont, R., King, E., & Shaler, G. (2015). Disproportionate contact: Youth of color in Maine's juvenile justice system. Portland, ME: University of Southern Maine, Muskie School of Public Service. Access at: <https://digitalcommons.usm.maine.edu/cgi/viewcontent.cgi?article=1031&context=justice>

¹⁰ Dumont, R., King, E., & Shaler, G. (2015). Disproportionate contact: Youth of color in Maine's juvenile justice system. Portland, ME: University of Southern Maine, Muskie School of Public Service. Access at: <https://digitalcommons.usm.maine.edu/cgi/viewcontent.cgi?article=1031&context=justice>

¹¹ United States Department of the Treasury, Interim Final Rule – Coronavirus State and Local Recovery Funds, May 17, 2021, p. 26789 <https://www.federalregister.gov/documents/2021/05/17/2021-10283/coronavirus-state-and-local-fiscal-recovery-funds>

¹² For more information on the Youth Advocate Program, see <https://www.yapinc.org/>

¹³ For more information about the Opportunity Alliance’s Wraparound Program, see <https://www.opportunityalliance.org/highfidelity-wraparound>

¹⁴ For more information about Tree Street, see <https://treestreetyouth.org/>

¹⁵ Interim Final Rule, p. 26796.

¹⁶ Interim Final Rule, p. 26796.

¹⁷ For more information on host home models, see:

https://www.211oc.org/images/Reports/housing_unaccompanied_youth_343.pdf; https://awayhomewa.org/wp-content/uploads/2019/05/Host_Homes_for_YYA_Manual_2019.pdf;

https://static1.squarespace.com/static/553bd8dfe4b06d949518334e/t/5b9018d68a922d130c0cfa5b/1536170201241/Host_Home_Handbook_%28free+download%29.pdf;

https://homelesshub.ca/sites/default/files/5.2_GLB_T_Host_Home.pdf