



Episode 14: Juvenile Justice—Past, Present, & Future—Part 2

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Join us as we continue our conversation about juvenile justice in America. We discuss traditional detention center environments, newer and more progressive models, and the often surprising costs—and outcomes—of each. What are the differences between adult and youth incarceration models? What does bias look like in the world of juvenile justice? How do we reduce recidivism rates and what are some alternatives to youth incarceration? We also learn about the work of the [Maine Center for Juvenile Policy and Law](#) and the [Juvenile Justice Clinic](#) at the [University of Maine School of Law](#).

[Christopher Northrop](#) is a clinical professor at the [University of Maine School of Law](#), where he launched their [Juvenile Justice Clinic](#) in 2006. Prior to joining Maine Law, Professor Northrop spent many years in private practice concentrating on juvenile defense and juvenile justice policy work. He has been involved with the [National Juvenile Defense Center](#) (NJDC) since its inception, and has served as a consultant for NJDC assessments of statewide juvenile defender systems throughout the country, including the 2019 assessments of Kansas and New Hampshire. Chris is one of the founders of the [New England Juvenile Defender Center](#) and a member of the NJDC's Senior Leadership Council.

Jill Ward leads the [Maine Center for Juvenile Policy and Law](#) (MCJPAL) at the [University of Maine School of Law](#) which works with clinic students, faculty and system stakeholders to advance policies and practices to reduce harm and to increase positive outcomes for current and former system-involved Maine youth. She is currently serving as one of three co-chairs of a statewide juvenile justice task force looking a broad system reform. Additionally, Jill works with national organizations on juvenile justice reform, including the [Youth First Initiative](#) and the [Campaign for Youth Justice](#). Prior to returning to Maine in

2007, Jill served as the first Policy Director for the Girl Scouts of the USA and Director of Juvenile Justice and Youth Development at the Children's Defense Fund in Washington D.C., where she co-chaired the National Juvenile Justice and Delinquency Prevention Coalition. She also has more than 7 years Capitol Hill experience serving as a legislative aide to former U.S. Senators George Mitchell and Paul Sarbanes. Jill is a graduate of the University of Pennsylvania and the Georgetown University Law Center.

Jonathan Ruterbories is a second-year law student and President of the Maine Juvenile Law Society at the [University of Maine School of Law](#). Prior to attending Maine Law, Jonathan attended Saint Louis University in St. Louis, Missouri where he first became interested in issues of juvenile policy after working with system involved youth. He currently works as a volunteer at [Long Creek Youth Development Center](#) focused on improving reintegration outcomes for incarcerated youth and will be serving as the Cushman D. Anthony Fellow at Maine Law's [Juvenile Justice Clinic](#) this upcoming summer. In this role, he will be working on juvenile policy projects and carrying a caseload consisting mostly of juvenile clients under the guidance of Professor Northrop.

This transcript has been lightly edited for clarity.

The Greater Good: Episode 14

Carrie: Welcome to the Greater Good: a podcast devoted to exploring complex and emerging issues in law, business and policy. I'm your host Carrie Wilshusen, Associate Dean for Admissions at the University of Maine School of Law.

Join us as we continue our conversation with Professor Christopher Northrup, Jill Ward, and Jonathan Ruterbories of the University of Maine School of Law about the juvenile justice system.

Carrie: Can you all talk a little bit about what a detention facility for juveniles looks like?

Chris: I'd be happy to. One of the great things that I've been able to do with the National Juvenile Defender Center is I've been able to do state assessments all over the country and in the last few months I've been in Kansas. I've been in New Hampshire, I've been in 15 other States. Looking at these facilities and what they look like is adult prison. They have a lot of cinderblock, a lot of giant metal doors that lock behind you. I often have to go through a series of five or six or seven sliding locked metal doors before I see my first youth and where they sleep. It looks like a prison cell. It is a metal bunk. It is a light that's always

on. They have showers that are out in the open, they don't have any privacy. Most facilities strip search youth on their way to a visit with a family member and on their way back from a family member. And these are often youth that have been incredibly traumatized on the way in. And for them to have to face that type of intrusion just to see a family member or sometimes an attorney makes them much less likely to reach out to see those family members. So these youth centers, these places that have nice names like Long Creek and Mountain View and Bueno Vista, they're prison.

Jill: Yeah, that's been my experience as well. I've visited facilities in a number of States and to Chris's point, I mean they, because they're juvenile facilities, they also have classrooms and other things that make them slightly different from an adult prison. But where the kids sleep and eat and live most of their days exactly like an adult prison in the, in the, in the characteristics that are meaningful as far as um, individual cells, locked doors. Some don't have windows. If they do, sometimes they're very, very small. There's a steel toilet bolted into the side of the wall and there's not a lot in there. It's very sparse and it's a lot of cinder block is that every state in the country has that model of detention facility. Oh sure. At least at least one or two state run. Um, you know, and then there are different levels of secure care that don't look like that, that are not youth prisons. But that's not where most of the kids are. But those are the models that more States are trying to move to understanding the trauma and the harm that these large facilities can cause young people. So there are other models that exist in a continuum, but almost every state has like Maine, at least one of these facilities still either using them for commitment or detention or both. And you say there are some States that are moving away from that? Yeah, New York is moving away from that. They've closed 21 juvenile detention facilities in the last you know, decade or so and are moving to what um, in the field is, is called the Missouri like model. So Missouri did away with some large commitment facilities a while ago. I mean they still have large detention facilities so they still have some of the same problems but for committed kids they have much smaller home-like settings that are still secure.

But they rely more on staff security so there's more staff trying to maintain um, the facility itself. Then sort of the use of restraints or locked doors, kids, solitary confinement, they don't use any of those practices and kids are in more dorm like settings. There's more intensive wraparound in that facility for them for the amount of time that they're there. Um, Massachusetts is doing a good job with small facilities. Some just have four or five young people that they're largely staff secure often in neighborhoods where you wouldn't

even know that those young people are being sort of having their needs met in the community so they can still do things like go to school, hold down a part time job. Um, so the States are really trying to think about what secure care looks like for those young people who need it. That is more therapeutic.

It is not as traumatizing and is a lot less adult like and more consistent with the juvenile code and more connected to the community so that they don't lose those connections.

That's right. Yeah. Jill, how much is Maine spending on the committed kids at Long Creek?

So the annual budget to operate long Creek, which is 163 bed facility is \$17 million. And there's 37 kids there, right? Well there's 37 committed kids and then there's another 20 something detained kids. So if you say that there are 60 kids in 163 bed facility that we're spending \$17 million annually on, we're spending in the neighborhood of \$300,000 per kid per year to try to deliver services that are research-wise proven to be not as effective as other alternatives. So there's a real question here about how we're spending our public dollars to get the kind of outcomes we want.

So I think we really need to start thinking about how we are spending our tax dollars and um, holding our public officials accountable for getting good outcomes for how that money is spent. But one of the ideas is not to lose that money, but reinvested in different ways in these children for better outcomes. Yeah, that's right. That's right. I mean, we don't want to take away the resources that these kids need. We know there's a dearth of resources and a continuum of care model. And so what we need to do is think about how we can take what we're pouring into facilities and invest them in human capital in some other alternatives in the community. So that that money follows those kids. And again, it's all about getting the outcomes that we all want for the kids and for our communities because we'll all be safer and better off if our kids are healthy.

Carrie: And are these, are these the worst of the worst? Are these felony level offenses? What kinds of kids are committed to Long Creek?

Jon: It's a mixed bag from what I have seen. Yes. There's some of the kids who've committed very serious felonies but there are also kids who have multiple misdemeanors and are there, um, because they couldn't maintain them cause they, they couldn't, they come back or they get charges inside the facility, which is sort of another thing that is a little bit crazy because the facility's supposed to be responding to needs and treating them and helping them rehabilitate not a place where they should be accruing additional charges. Um, so that's a trend that I also think are a, I think that happens. I don't know that trend is

probably a strong word, but something that also happens that causes kids to stay in there longer. So it is really a mixed bag. Chris or Jill, you may have a different perspective, but I think it isn't just, it's not the worst of the worst only.

Chris: No. And actually the kids who are more criminal in their behavior generally work the program much more quickly. So you'll get someone coming in on a class, a felony, a very serious criminal charge. They are often the ones who are out in eight or nine months. They have, the system has worked for them. They have worked through the program and they are reintegrated into the community. It's the low level misdemeanor kids who just have never made it at home and never made it in therapeutic placement who stay there for years, who just don't have the ability to work that type of um, behavioral modification system and they stay way too long.

Jon: I was just going to say, I think that's sort of the danger of the single story narrative. When you think about committed youth, um, I think oftentimes people's mind jumped to serious felonies or murder or the most serious crime that anybody could commit. But that's just not the case. And so I that if there's one thing to really stress, it's that there are a variety of youth commit. If they're committed at a secure facility, it can be for a variety of reasons and it's not just that one serious offense. So they had trouble maintaining in their community and they also have trouble maintaining at Long Creek because they struggle. I think John raises a really important point. The individualization is a characteristic of why we have a separate juvenile justice system. You are supposed to look at that individual, young person and make an assessment and even if they've done some serious harm, like of serious assault or even a murder, oftentimes with these young people, it's not that they're have some strange pathology, it's that they have been harmed, they have been traumatized and their behavior was a reaction to something that they experienced. So I think it's really, really important and John's point is really well taken that if we're going to actually do right by these young people and help them succeed as adults, we really do have to look at each individual, young person and get behind the behavior that brought them to the system if we actually want to authentically rehabilitate them and serve the purposes of the juvenile code.

Carrie: Because the primary purpose of the juvenile code is to give them the tools they need to succeed as adults.

Chris: That's correct and it's good policy as well.

Carrie: I was going to ask you about that exactly. Like you talked about the danger of going deeper and deeper into the system and and how that impacts the kid and how that impacts the community. Can you talk about that a little bit? Why it's good policy.

Chris: There is no higher risk factor for recidivating as an adult for a youth than incarceration. So what incarceration will give you, not guaranteed, but certainly a much higher probability will be someone who will be involved in the adult system, someone who will commit crimes when they're an adult. And that's bad policy. If we are leaning towards incarceration and leaning towards punishment for when youth break the law, it's disastrous. We need to lean very hard the other direction because everything that's not incarceration has a better result and makes our community safer and makes our young adults healthier.

Carrie: Because of the brain research that says they are so adaptable at that age, they're so malleable we can work with them.

Chris: So they are adapting to that incarcerated state of being and that becomes their norm. Yeah, that's correct. I mean it's interesting how policymakers generally insist on investing in evidence based practices, but we spend billions of dollars nationally investing in a practice that is not evidenced based at all. Like an actually the evidence is completely to the contrary. And so I think it's a failed model to think that we're going to incarcerate ourselves into rehabilitation. It doesn't work. The recidivism rates are higher. It's a huge predictor of involvement in the adult system and kids aren't better off when they spend lots of time incarcerated. So the fact that we spend, for instance, just here in Maine, \$17 million annually to sustain Long Creek when we could be putting that money into community-based alternatives that have better outcomes, that aren't making it harder for these young people to succeed. And we do need to hold these young people accountable. But there are ways to do that in the community that, that focus on moving them in the direction of success and not sort of beating them down so that they, the cycle never gets broken. And then we continue to deal with them as adults in ways that you know, are not good for the community and not good for themselves.

Chris: Yeah. And, and, and that's a great point. This is not about letting youth get away with things. And this is not about victims never being restored. That can happen. And I think it can happen much better without incarceration.

Carrie: So we have a juvenile justice clinic at the university of Maine School of Law, and we have a Maine Center for Juvenile Policy and Law and wonderful students. Can you all talk a

little bit about, Oh, let's start with the, the Juvenile Justice Clinic. Chris, can you talk about the work of the Juvenile Justice Clinic? What its purpose is, how you're training your students?

Chris: The Juvenile Justice Clinic started about 14 years ago and the purpose of the clinic was to be a combination of direct representation of youth and of, of policy work with the philosophy that the work we do in, in the policy realm will inform the way we represent children. And what we see when we're representing children will inform policy changes. And it has worked very well. The students have have been amazing and they have identified a number of policy issues while they're doing direct representation. One of the first things we ran into was watching youth sometimes as, as young as 11 be handcuffed and leg shackled in court. And one of my students said to me that this has gotta be wrong. This, this can't be the right way to, to treat children. And so that was one of our first policy projects was to take that on and through a number of years and with a number of partners, we were able not only to file motions to make sure that all of our clients were unshackled in court, but it eventually became a court rule. So all youth are unshackled in court.

Carrie: And your poster child was a young girl who missed a court date, right,

Chris: right. That, that is, that's our 11 year old. Her parents didn't get her to a court date. It was a criminal mischief. And so a very low level, very, very, very little level issue. And then she comes to her parents called the clerk clerk says, well, you should come to court on Thursday because that's when we're doing the juvenile docket. Um, our soon to be client shows up with her mother and is handcuffed and shackled and placed under armed guard at 11 years old, at 11 years old in the courtroom, just herself and an armed deputy. And so she became kind of the poster child for it and she was and is bright and eloquent and a wonderful advocate and it has been wonderful working with her and it's been 10 years

Carrie: Her case in the work that you all did, made national news, the American Bar association picked up that work and highlighted that the incredible work that you all did. And it is a model that continues to work.

Chris: We see things all the time when we're, we're in court, we're in court every week, sometimes multiple times a week. And when we feel that there is something that's a systematic issue, we have the ability to take it on, on a policy level. And having Jill at the law school has supercharged this.

Carrie: Jon, I'd like to hear from you, what do the students get to do in all of this?

Jon: So Maine Law is incredibly small and that's incredibly great. The community at Maine law is fantastic and a big part of my law school experience has been that very practical work. Um, so far other than the 1L classes I knew coming to Maine law that I wanted to do juvenile work and I knew there was a juvenile justice clinic, but I was always sort of like, well, do I really get to get involved? And immediately from I think halfway on, halfway through my first year, I found out that the answer is yes. And so a lot of me and my fellow students, um, have really been sort of involved in some of the work that Chris is talking about. I mean, just to give speak to my own experience, I am now working with Chris at the juvenile justice clinic as a second year law student. We've put together and drafted and finalized and put out for the public a legislative update of all the awesome juvenile justice legislation that's moving through the state legislature right now. Um, we're working on a lawyer the day guide for um, youth who are being represented for the first time in court, either at a Raymond or detention hearings. Um, and then there's all a lot of other, um, big policy projects that I'm looking at doing in the future. But there's also a lot of really cool policy stuff that students before me have done like, um, special immigrant juvenile status legislation to help, um, immigrant youth achieve specialist status. There's also been, uh, restitution legislation that literally students at Maine law helped write and put forth and testify to. And I think that speaks to the awesome community at Maine law and all the amazing practical experience that you get when you attend.

Carrie: Wonderful. Yeah. I'd like to move to the Maine Center for Juvenile Policy and Law now. Jill, do you want to talk to us a little bit about the work that's going on there?

Jill: Yeah, I'd love to and I just like to pick up a little bit on what Chris was saying about how we work together, the clinic and the center and with the students. Um, the shackling issue is a great example of, and where Chris and I first started working together. Um, after that we kind of went, well, what else can we fix? What else are we seeing out there that's not working the right way? And one of the issues that came up was around juvenile records and the collateral consequences. Young people experience when they have a record and try to move on, you know, get a job, go to a higher educational system, any of those kinds of things, get a license to be a hairdresser or a contractor or whatever.

Jill: Um, and what we realized is there wasn't really any good research. It was very anecdotal. It was what the students were experiencing is what Chris was seeing in the clinic. And so we went to our friends at Muskie and partnered with them to do a pretty massive research report around which was called Unsealed Fate. And it's available on all of the

websites, um, but really comprehensive research report on what are the collateral consequences of kids with a record. And that was a year long, um, endeavor. That was a really incredible collaboration between Muskie, between the law school. Um, it was before the center was formally established, the clinic was involved, students were involved. Um, and we put together this incredible sort of effort to release this report that had recommendations that then were actionable. And one of the actionable recommendations was, um, was to better educate everybody. I mean, one of the findings of the report was that nobody knew what the law said. JCOs didn't know juvenile, um, correctional officers didn't know. Lawyers didn't know. Judges didn't know know. And so we heard from so many young people who said, well, when I turned 18, my record's gone. Well, no, that's not what the law says. And so one of the things we worked on collaboratively was, um, a trifold brochure that we worked with prosecutors, defense attorneys, judges, the department of corrections, young people to have a readable informational brochure that explains what the law actually says and how you can, you can get your record sealed, but you, the individual young person has to petition the court. You have to wait three years after your last, the disposition of your last adjudication before you can be eligible to do that. And so the clinic helps individuals, but the policy center brought all these stakeholders together and said, we all need to speak from a common, accurate place when we're talking to young people and families about what the implications of having a juvenile record actually are. And so that project sort of set the tone for establishing the center. And so at the center we have a practitioner work group that tackles these kinds of issues, um, and looks to seek consensus on policy changes and practice changes, whether it's a judicial rule or a piece of legislation or just a policy of an agency or an institution, um, and tries to work on those things collaboratively. The other thing that happens, um, at the center is, are the other big focus of work is around this question of alternatives and resources and a continuum of care and really trying to focus our policy efforts there on what does that need to look like for the state of Maine to have the kinds of outcomes we want for young people. And so, um, we have again, partnered with our friends at Muskie. We hosted a summit in 2017 to ask this question of practitioners. Um, we've been very engaged in this conversation over the last year or so. And currently I am serving with the, uh, commissioner of the department of corrections and representative Mike Brennan in co-chairing a statewide task force that is doing a very comprehensive system assessment of our juvenile justice system to do just what we are saying needs to be done, to look at what assets there are in Maine, what the

needs are, and how we could be better investing our money to get better outcomes for kids who are system involved.

Carrie: So I want to talk a little bit about some of the barriers specifically for LGBTQ youth and for youth of color. Are there unique barriers or issues for those children in our system?

Jill: Well, our systems are still discriminatory by their nature. I mean they're uh, we still disproportionately can find kids of color and LGBTQ youth as they relate to their numbers in the popular general population. And all of the research has shown, although I'm not aware that's a deep dive has been done in Maine that this is true. When you control for offenses. So there are these biases that are embedded in the system that are resulting in more of those young people being incarcerated, being arrested, like at every point of the justice system. There are disparate impacts on those more marginalized populations who are not served adequately by the system. For sure. Um, I assume this is what you're seeing in practice, but that's what the research shows.

Chris: It is absolutely what we're seeing in, in practice. And again, they have run the numbers. There is disproportionate significant disproportionate involvement. And I think one of the telling things is that the defenders are as responsible as, as anybody else. You know, this is system-wide. I think schools own a piece of it. I think DOC owns a piece of it, judges, prosecutors, but defenders is as well. We held, um, a training program with the Maine con commission of indigenous legal services couple of years ago. We brought in who I think is the best presenter on race and defenders and she received the lowest ratings at an MCLs training ever. And, and so that's how strong the barrier is. Everybody when challenged on bias had no interest in and listening to it. And the ability to self reflect that or any ability to self reflect. So this is truly an issue. And one of the things that we really tried to do at the juvenile justice clinic is to build the capacity of the defense bar and there's a huge need around bias and it is incredibly difficult even to open the door to work on that because that door is locked and barred and barricaded.

Jon: Yeah. And I, you know, I think just to speak with like sort of a law student slash up and coming generational, I think Maine's demographics are changing, the diversity in this state is increasing. I mean, there's a very different, um, now set of people, a very, a lot of different cultures coming into this state. And one of the biggest barriers that I know I have seen youth face in my own personal experience system involved youth in Maine is there's a lack of understanding as to the lived experience of those individuals who don't look like them. You have a lot of people who are maybe in a capacity to help this youth who have

every intention to really help this youth of color or this LGBTQ youth, but they are not able to connect because they just don't open their minds to listening to how that person's experience has informed where they are today. They might have a different upbringing or a different experience or a different contact with law enforcement that has led to apprehension with correctional officers or apprehension with other law enforcement officers. And that is something that as an individual who is like entering Maine system, um, and we'll be here for hopefully a lot of years that I really hope can change because that until that gets fixed, there's going to continue to be disproportionate contact and we will continue to have systemic issues affecting minority youth.

Carrie: You just made a really wonderful point that I wanted to highlight, which is from your perspective, each of the people that are involved in the various parts of the system, DOC, you know, uh, the prosecutor's office, they're all there to help children. It's just trying to get at the best way to help children, which is why Jill, the work you do at the Maine Center with the practitioners work group is so important.

Jill: Yeah, I, I agree with that. I think if you're going to change systems, I mean there are two ways to change systems. There's sort of tearing it down from the outside and then there's building it out from the inside. And so I think the work that we do at the center is really about trying to keep the young people and the goals at the center and, and try to get past biases, try to get past a turf issues. And it's hard to do. I mean, I, I appreciate what Jon is saying about the changing demographics of Maine, but we are still the whitest state in the nation, which keeps some of this stuff and feeling like it's particularly entrenched and difficult to get that self reflection, to think about what our biases might be, to think about cultural competency in ways that are, you know, positive for outcomes. So, you know, we also have the lowest crime rate in the country. So there's the motivation to really look deeply at some of these issues and make sure that we are responding in ways that are fair and just and also have good outcomes. Sometimes I'm not sure we're motivated properly just based on sort of what our demographic looks like as a state, but I'm encouraged by what Jon is thinking on the ground,

Carrie: So we call our our podcast The Greater Good and it's very clear from our conversations here that all three of you are deeply invested in your work and that you're working on behalf of the greater good. My question to you is do you have a vision going forward for this work?

Jill: I would like to see as the result of the collective work that we're doing in particular with this task force and the movement we have around acknowledging what works and what doesn't work is really in our policies, our practices, our laws, baking in a continuum of care that really works for young people, that gets all of them out of Long Creek and into settings that are going to help them succeed in really productive ways that will work for the entire state. I mean, to give them what they need to be healthy, to be productive to the extent that that's possible and to be surrounded by the people that care about them. So I, I think we have a moment in time here to do some really important transformative work for Maine and Maine's young people who are trying to transition into adulthood, who have come in conflict with the law and I am incredibly hopeful that we're going to get there. I think that it is a lofty vision that is definitely achievable right now in this moment.

Chris: My vision for the future is taking on bias in a better, more comprehensive, more effective way. I think that it is deeply ingrained in our state and in our systems. I think it is something that if we care about, we can change. Um, I also am going to build this around changing the concept of cultural competency, which I think is, is a flawed concept to begin with. And if we are looking to achieve cultural competency, we are, we're going to fail. My competency band is incredibly narrow and understanding, explain cultural competency. Well, I mean for me it is what it says it is that I am competent in, in broad cultures and, and I am not and I'm just never going to be. And, and I really like the term cultural humility, which is much more about, you know, there's an understanding component, but it is much more about respect and viewing that, that people have very different cultures and doing what I can to understand that. But doing everything I can to respect that. And, and so I would like to reframe it and I would really like to see great progress, especially in the defender community but in all systems around issues of race and ethnicity and gender identification and sexual preference. This is something that we can do, we should do and I'm very hopeful that in the coming years we will do better.

John: There's a child that I work with currently in the community who was incarcerated for three years, has left Long Creek the facility and has successfully reintegrated into the community achieving a full time job, enrolling in community college, breaking down barriers to transportation on his own by purchasing a car. And I think my vision for where the juvenile justice landscape is heading is for his story to not be the exception, but for it to be the norm and for youth that are currently system involved to continue to accomplish great things like that youth has done and in the future for youth beginning making police contact,

beginning to enter the system to have enough community supports so that they never have to get to the point where they have been incarcerated for three years and now need to overcome the significant barrier that was placed upon them. So I think that's sort of my vision is to build out this exceptional system of reintegration and um, a system that supports every youth individually as they leave the system and also build out an exceptional, a model system for the rest of the country, have resources for youth so that they never have to face the detrimental effects that the system, the way it currently is, affects them.

Carrie: And that's the voice of our future. Folks. Thank you all so much being here today. It's been a great pleasure.

All: Thank you for having us. Thank you for the opportunity.

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