

Long Creek Youth Development Center
Conditions Assessment Narrative Report

Executive Summary

INTRODUCTION

In August 2017, the Maine Juvenile Justice Advisory Group (JJAG) entered into a contract with the Center for Children’s Law and Policy (CCLP) in Washington, DC, to conduct an assessment of conditions at the Long Creek Youth Development Center (Long Creek) in South Portland, Maine. CCLP staff and a team of experts in education, medical care, and mental health care reviewed materials and conducted the inspection of Long Creek during August and September 2017. This Executive Summary outlines the team’s overarching findings and recommendations, which are discussed in full in the accompanying narrative report and checklist.

METHODOLOGY

The assessment team consisted of the following:

- **Mark Soler**, Executive Director, Center for Children’s Law and Policy
- **Jason Szanyi**, Deputy Director, Center for Children’s Law and Policy
- **Jennifer Lutz**, Staff Attorney, Center for Children’s Law and Policy
- **Andrea Weisman**, Ph.D., Consultant and Mental Health Expert
- **Ronald Shansky**, M.D., Consultant and Medical Expert
- **Peter Leone**, Ph.D., Professor, Department of Counseling, Higher Education, and Special Education at the University of Maryland, and Education Expert

The members of the team have significant experience conducting conditions of confinement assessments and are recognized as national experts in conditions in juvenile justice facilities.

From September 6-8, 2017, team members conducted an on-site assessment of Long Creek. Following an introductory meeting and brief tour of the facility, the team engaged in interviews, observations, and review of records at the facility. As part of the assessment, team members interviewed facility administrators, medical and mental health staff, direct care staff, supervisors, unit managers, maintenance and food service staff, educational professionals, youth, and other staff. Prior to the on-site visits, team members requested and received policies, incident reports, grievances, data reports, and a wide variety of other records about Long Creek’s operations.

When conducting the assessment, the team used the most demanding set of standards for juvenile detention facilities in this country, the Annie E. Casey Foundation’s Juvenile Detention Facility Assessment Standards. The standards were co-authored by CCLP and the Youth Law Center for the Foundation’s Juvenile Detention Alternatives Initiative (JDAI). The standards are used to assess and improve conditions in over 300 JDAI sites in 39 states and the District of Columbia. The State of Maine participates in JDAI. The JDAI standards have been cited in investigations by the U.S. Department of Justice’s Civil Rights Division. They have also served as the basis for federal and state legislation, as well as many agencies’ policies.

The standards are organized into eight categories that cover all major areas of a facility’s operations and use the acronym CHAPTERS:

- Classification and intake;
- Health and mental health services;
- Access to family and counsel through mail, telephone, and visitation;
- Programming, including education, special education, recreation, and religious services;
- Training and supervision of staff;
- Environment, including issues related to sanitation and the physical plant;
- Restraints, room confinement, due process, and grievances; and
- Safety of youth and staff in the facility.

The team used these standards to prepare the accompanying narrative report and a checklist of conformance or non-conformance with each individual JDAI detention facility standard. The team added a number of standards around individual treatment planning to reflect the fact that Long Creek houses both committed and detained youth. These standards are highlighted in yellow in the accompanying checklist.

OVERARCHING FINDINGS AND RECOMMENDATIONS

This Executive Summary outlines the team’s overarching findings and recommendations. Much more detail regarding these findings and recommendations, as well as findings and recommendation in each of the eight categories of the JDAI standards, can be found in the accompanying narrative report and checklist.

GENERAL STRENGTHS

During the assessment, the team identified areas of significant strength at Long Creek. Other specific areas of strength are outlined in each section of the accompanying narrative report.

- **Long Creek has energetic and highly motivated leaders who are dedicating to raising the level of practice at the facility.** The team was very impressed with many of the facility administrators during its assessment. Although the facility is facing a number of serious challenges, as outlined below, it is clear that there are dedicated professionals at Long Creek who are committed to tackling long-standing problems and improving conditions, policies, and practices at the facility. As mentioned below, these individuals are not responsible for many of the factors contributing to problematic conditions at Long Creek. To the contrary, they have been diligently working to try to remedy these problems in the face of significant shortcomings among Maine’s other support systems for at-risk youth and families.
- **Many line staff and supervisors demonstrate high levels of skill and professionalism.** Long Creek has staff members who have spent many years working at the facility, and it was obvious that many staff members took great pride in their work with young people. The experience and dedication of staff was apparent in our conversations with these senior staff members. As mentioned below, these staff members have worked to operate

the institution in the face of significant staffing challenges and a need for additional mental health resources.

- **Administrators and staff have done an outstanding job of bringing outside volunteers and programming to youth in the facility.** The team was thoroughly impressed with the effort that staff and administrators have made at Long Creek to bring in outside organizations and volunteers to provide programming and skill-building opportunities for youth. Team members could not recall another facility that had invested as much effort into bringing in such a wide array of programming as Long Creek has done.
- **Long Creek has recently invested in raising base pay for line staff and identifying candidates for staff positions who are well-equipped to work with the facility's population.** As mentioned below, staffing shortages, resulting from a range of interconnected issues within and outside of Long Creek, had put the facility in a dire situation at the time of the assessment. Nevertheless, the team was encouraged to hear about recent efforts to raise the base pay for Juvenile Program Workers. The team also heard from multiple administrators that recent changes to the hiring process had brought in more qualified candidates for open positions.

GENERAL AREAS OF CONCERN

During the assessment, the team identified a number of concerns that impact all aspects of facility operations. Other areas of concern and recommendations in each of the eight areas of the JDAI standards are outlined in the accompanying narrative report.

- **Staffing shortages at Long Creek are hindering the ability to supervise youth in a safe and humane manner, and they are jeopardizing the safety of staff as well.** The team was alarmed at the staffing shortages at Long Creek, which have led to a number of very concerning conditions and practices, outlined below. The team understood the staffing shortage as being a product of many interrelated factors. These include (1) many resignations resulting from low staff morale and high levels of stress, (2) an influx of new staff who lack the same level of experience and skill in working with youth and who often do not last longer than two years at the facility, (3) the frequent and significant use of forced overtime, which contributes to low morale and staff member exhaustion, (4) a significant number of staff being out for extended periods on some form of medical or administrative leave, (5) a relative lack of mental health resources at the facility given the profound mental health problems of so many youth at the facility, and (6) high rates of youth engaging in self-harming behavior, which pull staff away from supervision of other youth.
- **Long Creek houses many youth with profound and complex mental health problems, youth whom the facility is neither designed for nor staffed to manage.** Staff and administrators at Long Creek were the first to admit that the facility is not the right place for many of the youth in its care. Long Creek was designed as a secure facility for the relatively small number of justice-involved youth in Maine who require that level

of restriction because of their likelihood of committing violent offenses, a relatively small percentage of youth at Long Creek have been adjudicated for a violent offense, let alone a felony. These youth are often committed to Long Creek after these community-based interventions have not succeeded in meeting their needs. An August 2017 report by Disability Rights Maine noted that high rates of law enforcement involvement by some residential service providers raised questions about how effective many treatment services are, particularly given the fact that many incidents referred to law enforcement appeared to stem from the very behaviors for which youth were in treatment.¹

- **Staffing shortages, coupled with the severe mental health problems of youth, have led to a number of dangerous and harmful conditions and practices.** Nobody could expect the staff at Long Creek to be as effective in their positions as they could be given the significant staffing problems and forced overtime. These staffing issues are made much worse by the fact that the facility is housing so many deeply troubled youth, many of whom engage in repeated violent behavior toward other youth and staff. Together, the staffing shortages and nature of the youth population have led to several very concerning conditions and practices. These include:
 - Youth concern about their personal safety at the facility. While many youth reported feeling safe while at Long Creek during interviews at the facility, there are clearly some youth who do not feel safe at the institution.
 - Clustering of inexperienced staff together on undesirable shifts. The facility's policies around forced overtime lead to the grouping of the most inexperienced staff on undesirable shifts. Because forced overtime is tied to seniority, new staff are the ones most likely to be assigned to shifts that are not desirable (e.g., weekends). These are also the shifts that lack the same level of presence by managers and administrators.
 - Inconsistent staffing of living units by the same staff, which limits the ability of staff to work well together and which creates problems with youth. Because of the severe staffing shortages at Long Creek, staff reported not knowing who they could expect to be on shift with from day to day. This is a problem for staff, as it is impossible to function as a cohesive unit and engage in team-building. Youth and staff reported high level of youth's anxiety and frustration with the fact that they did not know who to expect to be supervising them each day.
 - An overuse of room confinement. The team observed many incidents where skilled staff members de-escalated situations involving violent and disruptive youth without resorting to use of force. Indeed, the team observed many videos of incidents where staff demonstrated a remarkable degree of patience with youth who were engaging in defiant, disruptive, or assaultive behavior. However, the team also observed many incidents where a relatively minor incident escalated into a youth being placed in room confinement.

¹ Disability Rights Maine, Assessing the Use of Law Enforcement by Youth Residential Service Providers (August 2017), available at <http://drme.org/assets/uncategorized/Law-Enforcement-08.08.17.pdf>.

- Inappropriate uses of force leading to youth and staff injury. As mentioned above, the team observed many incidents where staff were very patient with youth who were acting out in some way. However, other incidents did not feature staff members taking an active role to de-escalate the situation through verbal skills and body language, something that may be a reflection of the inexperience of many staff members.
 - High numbers of youth engaging in self-harming behavior. While some youth engage in such behavior as a ploy to obtain individualized attention from clinicians and staff, there are clearly many youth who are engaging in this behavior because of mental illness and trauma. We applaud the facility for bringing in an outside suicide prevention expert to assess the facility's policies and practices following a recent completed suicide, but the number of suicide attempts and self-harming gestures as clear evidence of the inappropriateness of Long Creek as a placement for many youth
 - Criminally charging youth with mental health problems and disabilities who engage in assaultive behavior, driving their involvement deeper into the justice system. While charges are certainly appropriate in some situations where youth assault other youth or staff, and while the facility does not criminally charge youth involved in every altercation, there are youth being funneled deeper into the criminal justice system because of behavior that stems from an unmet mental health need or disability.
- **DOC training provided to staff assigned to Long Creek provides some helpful information, but it is not adequate to equip Juvenile Program Workers and supervisors with all of the skills needed to work with at-risk youth.** Maine is one of relatively few remaining states whose secure juvenile justice facilities sit within an adult corrections department. This means that many policies and trainings offered through DOC are geared toward working with an adult population. Moreover, as mentioned above, the clustering of inexperienced staff together on certain shifts and the unpredictability of staff assignments is limiting the ability of new staff to learn from their senior colleagues through a structured on-the-job training system.
 - **Long Creek must do more to create a safe and supportive environment for lesbian, gay, bisexual, questioning, gender non-conforming, and transgender (LGBQ/GNCT) youth.** The team reviewed a number of grievances regarding alleged harassment and abuse of LGBQ/GNCT youth the facility. Allegations included both youth and staff engaging in inappropriate conduct, and the team spoke with youth and staff who corroborated incidents and noted a need for additional policy development and training on LGBQ/GNCT young people, as well as greater accountability for youth and staff who engage in abuse and harassment of LGBQ/GNCT residents.
 - **Detained youth at Long Creek are not receiving legally mandated general and special education services.** Educational services are often an area of weakness in juvenile detention

facilities because of the fluid and wide-ranging nature of the detained population and difficulties coordinating with local school districts. However, the quality of education and special education services for Long Creek’s detained population in particular is lacking in many different areas. There are other findings and recommendations with respect to Long Creek’s education and special education program outlined in the full narrative report and accompanying checklist.

FINAL RECOMMENDATIONS

Our team was aware of many of the challenges facing Long Creek prior to our visit. Our experience on-site puts the seriousness of these problems into a sharper context. There is an urgent need for a comprehensive assessment of factors external to Long Creek that are contributing to those challenges and a frank discussion among state officials about how to address them. These factors include the incarceration of many youth at Long Creek for low-risk offenses, the high rate of referrals of youth to Long Creek from mental health placements, the limitations of community-based mental health services for Maine’s adolescent population, questions about the quality and effectiveness of existing community-based mental health services, the high cost of keeping a youth at the facility (\$250,000 per year per youth), and the availability of federal funds (e.g., through Medicaid) to support community-based programs but not institutional care.

The team has two primary recommendations around the overarching findings and recommendations. First, state officials should conduct, or contract with an independent entity to conduct, a comprehensive review of the effectiveness of Maine’s juvenile justice system to determine which policies and practices are hindering the goal of achieving an efficient and effective system in the state. This review should include looking at the practices of juvenile justice stakeholders, including law enforcement, judges, prosecutors, and defense attorneys, as well as the experiences of youth and family members. This review should also examine the policies and practices of other agencies that have significant responsibility in meeting the needs of at-risk youth, such as the Department of Health and Human Services. The review should include an evaluation of the existing service array for youth, including identification of any gaps in services and an assessment of the quality and effectiveness of existing services. A review such as this is needed to understand the reasons why Long Creek is housing youth with so many unmet mental health needs, and, more importantly, what needs to be done to address the problems.

Second, the team recommends considering whether a different model of residential care for juvenile justice-involved youth would achieve better results for Maine’s youth and the state’s communities. A secure juvenile correctional facility designed like Long Creek limits how well and how intensively staff can work with young people on skill-building and behavior change. When staff are charged with supervising a group of over 20 youth at any one time, it is difficult to devote the time and energy needed to dive deeply enough into an individual youth’s needs to effect long-term change.

For these reasons, states such as Missouri have moved away from large juvenile facilities toward smaller, home-like settings of a small number of youth with intensive staffing. The “Missouri

Model,” as it is known, involves creating regionally-based facilities focused on providing intensive rehabilitation, treatment, and educational services for youth charged with the most serious felonies and youth deemed to be the highest risk to public safety. These programs have achieved significantly better results in the way of decreased recidivism and increased skill-building than traditional juvenile correctional facilities.